

IN THE SUPERIOR COURT OF THE STATE OF ~~SUPERIOR COURT~~
 YAVAPAI COUNTY, ARIZONA
 FOR THE COUNTY OF YAVAPAI

2011 DEC -6 AM 11:47

SANDRA K MARKHAM, CLERK

BY *Stephanie Kling*

STATE OF ARIZONA,)

Plaintiff,)

vs.)

Case No. V1300CR201080049

JAMES ARTHUR RAY,)

Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS
 BEFORE THE HONORABLE WARREN R. DARROW

TRIAL DAY EIGHTEEN

MARCH 18, 2011

Camp Verde, Arizona

ORIGINAL

REPORTED BY
 MINA G. HUNT
 AZ CR NO. 50619
 CA CSR NO. 8335

1 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
2 FOR THE COUNTY OF YAVAPAI
3
4 STATE OF ARIZONA,)
5 Plaintiff,)
6 vs) Case No. V1300CR201080049
7 JAMES ARTHUR RAY,)
8 Defendant.)
9

10
11
12
13
14 REPORTER'S TRANSCRIPT OF PROCEEDINGS
15 BEFORE THE HONORABLE WARREN R. DARROW
16 TRIAL DAY EIGHTEEN
17 MARCH 18, 2011
18 Camp Verde, Arizona
19
20
21
22
23
24
25

REPORTED BY
MINA G HUNT
AZ CR NO. 50619
CA CSR NO. 8335

3
1 INDEX

2	EXAMINATIONS	PAGE
3		
4	WITNESS	
5	JEANNE ARMSTRONG	
6	Direct continued by Mr. Hughes	5
7	Cross by Ms. Do	12
8	Redirect by Mr. Hughes	103
9	Further redirect by Mr. Hughes	124
10	Recross by Ms. Do	124
11	Further redirect by Mr. Hughes	125
12	Further recross by Ms. Do	125
13	Further redirect by Mr. Hughes	126
14	Further recross by Ms. Do	127

15	LAURIE GENNARI	
16	Direct by Ms. Polk	135
17	Cross by Mr. Li	231

18 EXHIBITS ADMITTED

19 (None)
20
21
22
23
24
25

2
1 APPEARANCES OF COUNSEL:

2 For the Plaintiff:

3 YAVAPAI COUNTY ATTORNEY'S OFFICE
4 BY: SHEILA SULLIVAN POLK, ATTORNEY
5 BY: BILL R. HUGHES, ATTORNEY
6 255 East Gurley
7 Prescott, Arizona 86301-3868

8 For the Defendant:

9 THOMAS K. KELLY, PC
10 BY: THOMAS K. KELLY, ATTORNEY
11 425 East Gurley
12 Prescott, Arizona 86301-0001

13 MUNGER TOLLES & OLSON, LLP
14 BY: LUIS LI, ATTORNEY
15 BY: TRUC DO, ATTORNEY
16 355 South Grand Avenue
17 Thirty-fifth Floor
18 Los Angeles, California 90071-1560

19 MUNGER TOLLES & OLSON, LLP
20 BY: MIRIAM L. SEIFTER, ATTORNEY
21 560 Mission Street
22 San Francisco, California 94105-2907
23
24
25

4
1 Proceedings had before the Honorable

2 WARREN R. DARROW, Judge, taken on Friday, March 18,
3 2011, at Yavapai County Superior Court, Division
4 Pro Tem B, 2840 North Commonwealth Drive,
5 Camp Verde, Arizona, before Mina G. Hunt, Certified
6 Reporter within and for the State of Arizona.
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PROCEEDINGS

THE COURT: The record will show the presence of the defendant, Mr. Ray, the attorneys, the jury.

Good morning.

And the witness, Dr. Armstrong, has returned to the stand and is under oath, of course. Mr. Hughes.

MR. HUGHES: Thank you, Your Honor.

DIRECT-EXAMINATION (Continued)

BY MR. HUGHES:

Q. Good morning, Doctor.

A. Good morning.

Q. I think where we had left off yesterday afternoon, you had explained that there was a continuum of heat illnesses from anywhere from, say, a rash or sunburn all the way up to heat stroke.

You had mentioned that along that continuum as you reach the point of heat stroke or you're getting to that point, there is an altered mental state?

A. Yes.

Q. Can you tell us a little bit what you mean by "altered mental state."

A. Probably the most easiest example is

someone being confused, not knowing possibly where they are or what's going on. They might not respond to you verbally.

Q. Would someone being unconscious be considered part of an altered mental state?

A. I'd say the extreme end, yes.

Q. How about delirious?

A. Yes.

Q. Or combative?

THE COURT: I didn't hear an answer.

MR. HUGHES: I'm sorry.

Q. Would combative be an example of altered mental state?

A. Yes.

Q. You mentioned that nausea was something you'd expect --

A. Yes.

Q. -- earlier in the continuum?

A. Yes.

Q. How about vomiting?

A. It could. It didn't have to be present.

Q. When you were out by the patient that you provided CPR with, you mentioned that you had asked Mr. Ray if there was an automated -- an AED -- an automated external defibrillator?

A. Yes.

Q. Do you recall that?

A. Yes.

Q. Do you remember what Mr. Ray told you when you asked him that?

A. Well, I had used the acronym AED, and he asked what that was, and I explained what it was. And he said he wasn't sure. And he went to look for one or ask someone if they had one.

Q. Did he come back with one?

A. He did not.

Q. Did anyone come back with one?

A. No.

Q. Did he come back at all after that?

A. Yes.

Q. And before the paramedics arrived, then did you at all see an AED on the scene?

A. No.

Q. You mentioned earlier that when you were inside the sweat lodge, you would occasionally pull your shirt up over your nose?

A. Yes.

Q. Did you keep that shirt up the whole time you were inside?

A. Not in between rounds.

Q. And then in between rounds when you had the shirt off, were you able to smell anything in the air?

A. No.

Q. Any of the perfumes or plantlike odors that you said you didn't like in the hotel saunas?

A. Not that I noticed.

Q. Had you told Mr. Ray prior to the day of the sweat lodge that you were a medical doctor?

A. I don't recall ever having a conversation with him directly about that. No.

Q. And you had mentioned when you were sort of introducing yourself that your residency was in family medicine. Can you tell me what family medicine is.

A. It's typically outpatient or inpatient. It's considered birth-to-death medicine. We're trained to deliver babies, take care of newborns, babies, toddlers, adult through geriatrics, the whole spectrum of outpatient care.

Q. When did you complete your residency in family medicine?

A. In 2000.

Q. Do you recall -- when you left the sweat lodge, do you recall at that point in time as you

1 were going outside knowing where, for example, Liz
2 Neuman was?

3 **A. No.**

4 **Q.** Did you know who she was at that point in
5 time?

6 **A. I knew the name. Prior to going into the**
7 **sweat lodge, the person standing next to me had**
8 **talked to her briefly. Because she was on the**
9 **Dream Team you knew, roughly, her name.**

10 **Q.** Do you know where Liz had been seated
11 inside the sweat lodge?

12 **A. Based on where we were standing before we**
13 **went in, I would have assumed she would be to the**
14 **left of where I was. I don't know where.**

15 **Q.** Do you know how far to the left she might
16 have been?

17 **A. I don't. Other than I know that Dream**
18 **Team people were put at those intervals I put on**
19 **the screen yesterday. So I assume she was at one**
20 **of those intervals. But I don't know that.**

21 **Q.** When you exited the sweat lodge, did you
22 know a woman named Linda or Linda Andresano?

23 **A. Not by name. No.**

24 **Q.** Did you know someone named Sean?

25 **A. The name sounds familiar. Again, most of**

1 **the time I could recognize people's faces, but I**
2 **don't know their names.**

3 **Q.** And I've got two more names, then I'm
4 done for you. How about Kirby? Do you know where
5 Kirby might have been inside the sweat lodge?

6 **A. Inside? No.**

7 **Q.** When did you first become aware of where
8 Kirby was outside the sweat lodge?

9 **A. When I was doing CPR, someone identified**
10 **her as Kirby.**

11 **Q.** Okay. Then for James Shore, did you know
12 where he was seated inside the sweat lodge?

13 **A. I did not.**

14 **Q.** Did you really know his name at all until
15 after the event ended?

16 **A. I did not.**

17 **Q.** When is it, then, that you first became
18 aware of where James Shore was after the sweat
19 lodge ended?

20 **A. When I was doing CPR initially. I don't**
21 **think I knew his name was James until very late in**
22 **the course of doing CPR. Or shortly thereafter I**
23 **heard someone say his name. I'm not sure I heard a**
24 **last name at that point. I think I just heard the**
25 **first name "James."**

1 **Q.** You mentioned that you were able during
2 the course of the week to get approximately your
3 normal amount of sleep that week?

4 **A. Yes.**

5 **Q.** Do you ever recall whether Mr. Ray made
6 suggestions to the participants about getting sleep
7 or not getting sleep that week?

8 **A. Not particularly. Typically the way**
9 **these courses would run, if there were exercises**
10 **that you were going to do on your off time, you'd**
11 **be encouraged to complete those.**

12 **Q.** Do you recall a particular lecture, for
13 example, by Mr. Ray about the topic of staying up
14 at night to work?

15 **A. I don't.**

16 **Q.** When you exited the sweat lodge, did you
17 notice anybody laying down or appearing to you to
18 be unconscious inside the sweat lodge?

19 **A. I did not.**

20 MR. HUGHES: Thank you, Doctor. You've been
21 patient with me.

22 THE COURT: Thank you, Mr. Hughes.

23 Ms. Do.

24 MS. DO: Thank you, Your Honor.

25 ///

CROSS-EXAMINATION

2 BY MS. DO:

3 **Q.** Good morning, Dr. Armstrong.

4 **A. Good morning.**

5 **Q.** We just met this morning; correct?

6 **A. Yes.**

7 **Q.** But we have spoken on the phone before?

8 **A. Yes.**

9 **Q.** You also have spoken to, I believe,
10 Ms. Polk on the phone?

11 **A. Yes.**

12 **Q.** And you've been interviewed many times, I
13 believe, by members of the Yavapai County Sheriff's
14 Office?

15 **A. Yes.**

16 **Q.** I noticed from yesterday, and I think I
17 heard a comment from you this morning, that it's in
18 your nature to speak fast.

19 **A. Yes.**

20 **Q.** I think the jury also knows it's my
21 nature to speak fast. So to keep Mina happy, I'm
22 going to ask you to help me slow down. And I'll
23 help you slow down. Okay?

24 **A. Yes.**

25 **Q.** Let me start off by asking you a few

1 questions about your background. You're from
 2 Indiana?
 3 **A. Yes.**
 4 **Q.** And I believe -- I'm sorry to out your
 5 age. You're 41?
 6 **A. I'm 40. I will be 41 in September.**
 7 **Q.** I think you look much younger than that.
 8 You are married?
 9 **A. Yes.**
 10 **Q.** And we've heard that you are a doctor.
 11 **A. Yes.**
 12 **Q.** And your husband, I believe, is a trader?
 13 **A. Stock trader. Yes.**
 14 **Q.** And also a hunter?
 15 **A. Yes.**
 16 **Q.** Now, you attended 2009 Spiritual Warrior
 17 alone without your husband; correct?
 18 **A. Yes.**
 19 **Q.** But you've attended many of the JRI
 20 events with your husband?
 21 **A. I attended every event except for one,**
 22 **Harmonic Wealth weekend, with my husband. Yes.**
 23 **Q.** Was there a reason why your husband did
 24 not attend the Spiritual Warrior in 2009?
 25 **A. Based on several different factors. The**

1 **description of this was a little bit more of a**
 2 **solitary experience. And the description of it was**
 3 **something that moved me, felt interesting,**
 4 **something that I wanted to try.**
 5 **It didn't necessarily appeal to him. I**
 6 **think that particularly having done it, some of the**
 7 **activities like Vision Quest and camping outdoors,**
 8 **would have been a breeze for him because he does**
 9 **that already. I don't think it would have been the**
 10 **same challenge for him.**
 11 **Q.** Being a hunter he's outdoors a lot?
 12 **A. All the time.**
 13 **Q.** You are a doctor. And I'm assuming,
 14 guessing from your age, that you've been a doctor
 15 for almost about 13, 14 years? Since med school;
 16 right?
 17 **A. Yes.**
 18 **Q.** And you're trained in family medicine;
 19 correct?
 20 **A. Yes.**
 21 **Q.** You told us yesterday that at the moment
 22 you are no longer practicing; correct?
 23 **A. Yes.**
 24 **Q.** You run -- you actually own and operate
 25 your own consulting business?

1 **A. I'm a sole proprietor. Yes.**
 2 **Q.** That is to consult with medical providers
 3 in implementing electronic data services; correct?
 4 **A. Yes.**
 5 **Q.** But at one time before you became a sole
 6 proprietor in that business, you did practice?
 7 **A. I practiced full time for five years and**
 8 **part time for another additional five years, and I**
 9 **plan on resuming practicing part time as well.**
 10 **Q.** When you practiced full time, was that in
 11 immediate or urgent care?
 12 **A. Yes.**
 13 **Q.** And then you went to part time. And was
 14 that so that you could also run the business that
 15 you are currently running now?
 16 **A. Yes.**
 17 **Q.** Okay. Then when you were part time, you
 18 were also then practicing part time at the time
 19 that the Spiritual Warrior retreat took place;
 20 correct?
 21 **A. Yes.**
 22 **Q.** Now, let me ask you to explain to us what
 23 immediate and urgent care is. We're familiar with
 24 emergency care, emergency room care. Could you
 25 explain to the jury what immediate care is.

1 **A. It's almost a step down between emergency**
 2 **room and your family doctor. It's much like your**
 3 **family doctor's office except that they have**
 4 **convenient -- more convenient hours, typically, and**
 5 **you don't need an appointment. It's walk in.**
 6 **We're there to treat -- you know -- minor**
 7 **illnesses, minor injuries on a walk-in basis.**
 8 **Q.** And you have, though, in your practice as
 9 a doctor -- let me ask you. Have you ever triaged
 10 in medical emergencies?
 11 **A. Yes.**
 12 **Q.** So you've handled situations where it's a
 13 little more urgent than a walk-in basis; correct?
 14 **A. Yes.**
 15 **Q.** Now, let me ask you for a little bit more
 16 detail on your medical education and training. I
 17 heard yesterday that you received your medical
 18 degree in 1997 from Indiana University School of
 19 Medicine.
 20 **A. Yes.**
 21 **Q.** You also went to college in Indiana?
 22 **A. Yes.**
 23 **Q.** You did your residency -- and for us
 24 folks who don't really understand the medical
 25 field, could you explain what a residency is.

1 **A. In the state of Indiana, when you**
 2 **complete your medical school education, you receive**
 3 **a temporary license to practice medicine. Most**
 4 **people go on for further training. And that**
 5 **training is called a "residency." It's anywhere**
 6 **between three and six years, depending on the**
 7 **specialty.**

8 **And generally, by completing the**
 9 **residency, you're allowed to sit for board**
 10 **certification. So you become specialized and**
 11 **certified in whatever area of medicine that you**
 12 **practice. It's in a hospital/outpatient. You do**
 13 **different rotations. So every month you're**
 14 **learning some new aspect of what you're doing.**
 15 **Very similar to medicine.**

16 **This is all hands on, and you're actually**
 17 **caring for patients and increasing levels of**
 18 **responsibility during that three-year period.**

19 **Q. So you are treating patients; correct?**

20 **A. Yes.**

21 **Q. Now, you said that it allows you to**
 22 **become board certified. Are you board certified?**

23 **A. Yes.**

24 **Q. What are you board certified in?**

25 **A. Family medicine.**

1 **Q. If I understand your explanation, family**
 2 **medicine, basically, encompasses treating patients**
 3 **from birth to death?**

4 **A. Correct.**

5 **Q. So you are trained and educated in**
 6 **diagnosing illnesses from birth to death?**

7 **A. Correct.**

8 **Q. And to treat them; correct?**

9 **A. Yes.**

10 **Q. Now, I understand that doctors are -- I**
 11 **think it's more of a tradition now -- take what's**
 12 **call a "Hippocratic Oath."**

13 **A. Yes.**

14 **Q. That's an oath swearing that you will**
 15 **practice medicine ethically; correct?**

16 **A. Yes.**

17 **Q. And there is a part in the oath that I'd**
 18 **like to ask you about. There is a phrase. And**
 19 **that oath that says, I will remember that I remain**
 20 **a member of society, with special obligations to**
 21 **all my fellow human beings, those sound of mind and**
 22 **body as well as the infirm. That's part of the**
 23 **oath; correct?**

24 **A. I don't have the oath memorized. But I**
 25 **would assume it's part of it. It sounds correct.**

1 **Q. You took it when you first began**
 2 **practicing as a doctor?**

3 **A. We took it as part of our graduation**
 4 **ceremony in 1997.**

5 **Q. Let me try to understand that phrase. If**
 6 **you were, for example, walking down the street just**
 7 **minding your own business and you see a terrible**
 8 **car accident and somebody might be terribly hurt,**
 9 **you would run over to that scene and you would say,**
 10 **I'm a doctor? Does anyone need help?**

11 **A. Correct.**

12 **Q. That's the special obligation that you**
 13 **have as a doctor to your fellow human beings;**
 14 **correct?**

15 **A. Yes.**

16 **Q. And so in some ways as a doctor, you're**
 17 **never really off duty; correct?**

18 **A. Yes.**

19 **Q. In fact, I understand right now you're**
 20 **kind of on vacation.**

21 **A. This is my spring break. Yes.**

22 **Q. And you stayed over so that you could**
 23 **testify?**

24 **A. Yes.**

25 **Q. Now, you are trained to recognize and act**

1 **in medical emergencies; correct?**

2 **A. Yes.**

3 **Q. And so assuming that the average person**
 4 **is someone who has not had medical training or**
 5 **medical education, you are better than the average**
 6 **person in recognizing signs of illnesses; correct?**

7 **A. I would assume so.**

8 **Q. You're better than the average person in**
 9 **recognizing signs of medical distress?**

10 **A. I would assume so.**

11 **Q. You're better than the average person in**
 12 **recognizing signs of severe trauma?**

13 **A. I would assume so. Yes.**

14 **Q. And you would be better than the average**
 15 **person in recognizing the signs or the risk of**
 16 **death?**

17 **A. I would assume so.**

18 **Q. If you recognize the signs of any one of**
 19 **those things, from illnesses to risk of death, you**
 20 **would, with your special obligations to your fellow**
 21 **human beings, act; correct?**

22 **A. Yes.**

23 **Q. To render aid?**

24 **A. Yes.**

25 **Q. And that would be an obligation that you**

1 would have regardless of the situation or the
2 environment that surrounds you; correct?

3 **A. Yes.**

4 **Q.** I'm going to borrow Mr. Kelly's example
5 he's used a number of times here. You're here in
6 this courtroom, and Judge Darrow controls it;
7 correct?

8 **A. I assume so.**

9 **Q.** Judge Darrow decides when we recess;
10 correct?

11 **A. I assume so.**

12 **Q.** You've seen that happen like yesterday;
13 correct?

14 **A. Yes.**

15 **Q.** And he tells us -- or if he tells us to
16 stand, we stand; right?

17 **A. Yes.**

18 **Q.** So if during my examination of you, my
19 partner over here, Tom Kelly, collapses, you would
20 at that very moment jump out of that witness stand
21 to render aid to Mr. Kelly; correct?

22 **A. Yes.**

23 **Q.** You would do that even if we were in
24 process in session; correct?

25 **A. Yes.**

1 **Q.** You wouldn't wait for someone to say
2 court's in recess.

3 **A. No.**

4 **Q.** All right. So as a doctor with your
5 special obligations to fellow human beings, you
6 would act to render aid no matter whether or not
7 there is a ritual or ceremony or proceeding?
8 Nothing like that would stop you from acting?

9 **A. No.**

10 **Q.** Now, let me talk a little bit about your
11 experience in the sweat lodge ceremony. You've
12 already explained to us --

13 And let me put up 414, which has already
14 been admitted.

15 This is a rough diagram of the sweat
16 lodge that Mr. Hughes showed you yesterday. And
17 you indicated that you went into the sweat lodge
18 and took the seven-and-a-half o'clock position; is
19 that correct?

20 **A. Yes. But that image was oriented**
21 **differently yesterday.**

22 **Q.** Let me reorient it for you. It was
23 oriented with the entrance at the south end; right?

24 **A. Correct.**

25 **Q.** So if we're using -- looking at it as a

1 face of the watch, the entrance would be the
2 6:00 o'clock position; is that right?

3 **A. Correct.**

4 **Q.** You indicated you were at the
5 seven-and-a-half position. Now, you sat in the
6 back row initially; correct?

7 **A. Yes.**

8 **Q.** But at that moment there was nobody in
9 front of you?

10 **A. Correct.**

11 **Q.** And Christine -- was it Christine
12 Mattern --

13 **A. Yes.**

14 **Q.** -- to your left?

15 **A. Yes.**

16 **Q.** And a person named Greg Hartle was in
17 front of you?

18 **A. Not when we initially sat down. No.**

19 **Q.** At some point later Greg Hartle was in
20 front of you?

21 **A. Yes.**

22 **Q.** At some point later a woman named
23 Beverly, that you described as being blonde, was
24 also in front of you?

25 **A. Yes.**

1 **Q.** Do you know if that was Beverly Bunn?

2 **A. I don't know her last name.**

3 **Q.** Okay. That's fine. Between you at that
4 seven-and-a-half position to the flap, you
5 indicated there were approximately five people
6 between you and the flap; is that right?

7 **A. There was at least five. I don't know**
8 **the exact number.**

9 **Q.** Okay. Now, could you mark for me on this
10 diagram, Exhibit 414, where Mr. Ray was seated.

11 And you've indicated slightly to the
12 right of the 6:00 o'clock, kind of near the
13 5:00 o'clock position; correct?

14 **A. Yeah. Just to the right of the flap.**

15 **Q.** So closer to the 6:00 o'clock position?

16 **A. Not at the exact 6:00 o'clock, on account**
17 **of that was the flap. Between 6:00 and 5:00.**

18 **Q.** Okay. Now, my understanding is that you
19 completed the entire ceremony.

20 **A. Yes.**

21 **Q.** And I heard you yesterday that you
22 weren't sure if the entire ceremony was eight
23 rounds or not. Is that correct?

24 **A. That is correct.**

25 **Q.** Assuming it's eight rounds, that means

- 1 you completed all eight rounds?
- 2 **A. Yes.**
- 3 **Q.** Now, if I can ask you this: Do you
- 4 consider yourself an athlete?
- 5 **A. At this point in my life? No.**
- 6 **Q.** What about at that point?
- 7 **A. No.**
- 8 **Q.** You expected the sweat lodge to be quite
- 9 difficult for you?
- 10 **A. Yes.**
- 11 **Q.** And you had told us yesterday that you
- 12 have, within 12 months of that event, gone into a
- 13 sauna; correct?
- 14 **A. Yes.**
- 15 **Q.** And that you could only stand about two
- 16 minutes of it?
- 17 **A. Correct.**
- 18 **Q.** So individually for you, you find heat to
- 19 be difficult?
- 20 **A. Yes.**
- 21 **Q.** And yet you, with that knowledge and with
- 22 that experience of being able to only handle two
- 23 minutes of a sauna, you went into a sweat lodge
- 24 ceremony?
- 25 **A. Correct.**

- 1 **Q.** And that was your choice; correct?
- 2 **A. Yes.**
- 3 **Q.** Why did you do that knowing that you are
- 4 the type of person who could only stand two minutes
- 5 in a sauna?
- 6 **A. Well, a sweat lodge, in theory, to me is**
- 7 **not the exact same thing as a sauna. Also having**
- 8 **never been in, I had no idea what to expect. So**
- 9 **it's a new thing. I want to try a new thing before**
- 10 **I say it's not for me.**
- 11 **I knew I could leave at any time. So, in**
- 12 **my mind, I was, like, you know what. If I don't**
- 13 **like it, I tried it. I'll come out.**
- 14 **Q.** So you were willing to be open to a new
- 15 experience, one that you actually thought you might
- 16 not be able to do because of your predisposition to
- 17 heat; correct?
- 18 **A. Yes.**
- 19 **Q.** But you knew that you were in control of
- 20 when you could leave and that made it okay for you?
- 21 **A. Absolutely.**
- 22 **Q.** Now, I'm going to -- you went in and you
- 23 did all eight -- assuming it's eight rounds, you
- 24 did the entire ceremony. And you actually, I
- 25 believe, said it was very doable for you?

- 1 **A. Yes.**
- 2 **Q.** You've actually said in the past that it
- 3 was very easy for you.
- 4 **A. It felt easy. Yes.**
- 5 **Q.** And I know yesterday you described that
- 6 initially when you went in you had to slow down
- 7 your breathing; correct?
- 8 **A. Yes.**
- 9 **Q.** And you had to sort of concentrate on
- 10 slowing down your heart rate?
- 11 **A. Yes.**
- 12 **Q.** You attribute that to your anticipation
- 13 of the sweat lodge ceremony; correct?
- 14 **A. When I began to hyperventilate initially**
- 15 **and my heart was racing, yes. It was the**
- 16 **anticipation of what is this going to be like.**
- 17 **Q.** And then you managed to get your breath
- 18 slowed down and your heart rate to come down;
- 19 correct?
- 20 **A. Yes.**
- 21 **Q.** And that occurred rather early in the
- 22 first round?
- 23 **A. Correct.**
- 24 **Q.** And after that you had no major
- 25 discomfort throughout the rest of the ceremony;

- 1 correct?
- 2 **A. I did not.**
- 3 **Q.** You had no difficulty breathing for the
- 4 rest of the ceremony?
- 5 **A. I did not.**
- 6 **Q.** Indeed, again, you found the whole
- 7 experience very doable; correct?
- 8 **A. Yes.**
- 9 **Q.** And that surprised you somewhat?
- 10 **A. It did surprise me.**
- 11 **Q.** Now, you had told Mr. Hughes yesterday
- 12 that because of the steam and the amount of sweat,
- 13 you were drenched; is that correct?
- 14 **A. I felt very sweaty. Yes.**
- 15 **Q.** And you walked in, I believe, with a Nike
- 16 Dri-FIT shirt and shorts; correct?
- 17 **A. Yes.**
- 18 **Q.** And from the sweat and the steam, were
- 19 your clothes drenched?
- 20 **A. The nature of that shirt is that it**
- 21 **doesn't really feel sopping wet because of how it**
- 22 **wicks the sweat. I don't know that I would**
- 23 **describe my clothes as being totally soaked. But I**
- 24 **mean, I felt sweaty.**
- 25 **Q.** And you felt wet?

1 A. Yes.

2 Q. Now, let me jump a little bit. I'm going
3 to come back to your experience in the sweat lodge.
4 The bottom line is you finished it? You had no
5 issues; correct?

6 A. Yes.

7 Q. You had indicated to this jury just a
8 moment ago that you, although thinking it would be
9 hard, went in because you knew you could leave at
10 any time and you were in control; correct?

11 A. Yes.

12 Q. You also knew that there was a
13 possibility of a sweat lodge ceremony for this
14 event because you had read it in the waivers;
15 correct?

16 A. Yes.

17 Q. And Mr. Hughes showed you those waivers
18 yesterday. And they were Exhibits 154 and 155.
19 Let me just make sure.

20 May I approach, Your Honor?

21 THE COURT: Yes.

22 Q. BY MS. DO: Showing you Exhibit 154, that
23 is the waiver for the Spiritual Warrior retreat
24 from James Ray International, the company; correct?

25 A. It appears to be. Yes.

1 Q. Would you verify that you did sign that.

2 A. That is my signature.

3 Q. And this Exhibit 155 is the waiver from
4 Angel Valley, the resort that held the event;
5 correct?

6 A. Yes.

7 Q. Prior to arriving at the Spiritual
8 Warrior event, you had actually gotten a packet
9 from James Ray International, the company; correct?

10 A. Yes.

11 Q. I'm going to show you Exhibit 736. Does
12 that look like the packet of information you
13 received containing information about the event and
14 the waivers -- advance copies of the waivers that
15 you ultimately signed?

16 A. Yes.

17 Q. Do you know when you received that in
18 relation to when you arrived at the event?

19 A. I do not.

20 Q. Would you take a look at the second page.
21 There is a letter. It's dated July 2nd, 2009.
22 Does that help you recall when about you got the
23 packet?

24 A. I know I got it several months in
25 advance. I assume this is the date, but I don't

1 recall myself.

2 Q. But you got it several months in advance?

3 A. Yes.

4 Q. Now, I'm going to ask you some questions
5 regarding some events -- I don't want to spend very
6 much time here -- that Mr. Hughes asked you with
7 about.

8 You got to the event. And one of the
9 first things that was done Was an activity for hair
10 cutting; correct?

11 A. Yes.

12 Q. You told the jury you chose to do that?

13 A. Yes.

14 Q. I think your words were you, took it all
15 off?

16 A. Correct.

17 Q. That was your choice; correct?

18 A. Yes.

19 Q. Did you feel at all pressured into doing
20 it?

21 A. No.

22 Q. Did you feel that anyone made you do it?

23 A. No.

24 Q. Was there a line of people to get this
25 haircut?

1 A. Yes.

2 Q. Do you remember there being any
3 discussion among the participants in that line for
4 the haircut saying things like, we have to do this?

5 A. No. I don't recall those words.

6 Q. Do you remember hearing anyone talk about
7 their hesitation about doing it?

8 A. There were different people that had
9 different levels of apprehension, but mostly they
10 were sort of nervously excited.

11 Q. You mentioned that you roomed with a
12 woman named Brandy Amstel?

13 A. Yes.

14 Q. Do you remember Brandy Amstel saying
15 anything about whether or not she should do the
16 haircut?

17 A. I do remember her. We were standing near
18 each other in line. I don't remember specifically
19 what she said, but I remember she was sort of torn
20 and trying to decide if she wanted to do it or not.

21 Q. Did you say anything to her?

22 A. I don't recall.

23 Q. Do you remember hearing anyone else
24 saying anything to her?

25 A. Generally -- you know -- people, for the

1 **most part, were saying if you want to do it, do it.**
 2 **But it's up to you. Don't worry about it. People**
 3 **were generally just like -- you know -- encouraging**
 4 **the people who wanted to be encouraged. If you**
 5 **want to be talked out of it, that could have**
 6 **happened as well.**

7 **Q.** So there wasn't any coercion from the
 8 other participants for another participant to get
 9 the haircut; correct?

10 **A. Not that I witnessed.**

11 **Q.** In fact, Mr. Ray also told you and the
 12 participants, hey. I don't care if you get your
 13 hair cut. If you don't do it, I just want you to
 14 think about why. Correct?

15 **A. I don't recall his exact words. I**
 16 **believe that was the gist.**

17 **Q.** Mr. Ray never said you must get your hair
 18 cut?

19 **A. I never heard him say that. No.**

20 **Q.** Now, very quickly did this event where
 21 you cut your hair -- and I believe the jury has
 22 heard a lot about it. It had to do with letting go
 23 of attachments and vanity; correct?

24 **A. I believe that's one part of it. I mean,**
 25 **for me I didn't look at it as much of a vanity**

1 **issue as just a challenge to sort of test what you**
 2 **think of yourself, and not just in a vanity way,**
 3 **though.**

4 **Something you might hold dear that has**
 5 **nothing to do with vanity. That can be an object**
 6 **of any kind that you -- you know -- just think you**
 7 **can't live without. The reality is if you're**
 8 **forced to, it's not as bad as you think.**

9 **Q.** When you cut your hair down, you cut it
 10 all off. What did that teach you, if anything,
 11 about yourself?

12 **A. I like my hair short. That sounds glib,**
 13 **but I benefited a lot from it. It was an**
 14 **interesting conversation starter with people in**
 15 **terms of everybody was curious. Unfortunately, a**
 16 **lot of people assumed I was ill. I corrected them**
 17 **in that regard. But it was interesting. It was**
 18 **interesting to see other people's perception of it**
 19 **more than myself. I didn't even notice it after a**
 20 **point of time.**

21 **Q.** Sure. When you say people thought that
 22 you were ill, I assume from that comment, you are
 23 talking about when you left the event and went back
 24 home.

25 **A. Yes.**

1 **Q.** And so you're a doctor. You're aware
 2 that cancer patients lose their hair?

3 **A. Yes.**

4 **Q.** And people in support of cancer patients
 5 will shave their head; correct?

6 **A. Yes.**

7 **Q.** Now, did you see that exercise of that
 8 opportunity to cut your hair to see what it means
 9 to you as a form of mind control?

10 **A. No.**

11 **Q.** Did that in any way condition you to do
 12 or not do anything that week?

13 **A. No.**

14 **Q.** Now, the Samurai Game. I'm not going to
 15 go into detail about it. What did you think about
 16 it?

17 **A. That was a little silly.**

18 **Q.** Why?

19 **A. I thought it was a team-building type**
 20 **exercise. This is a silly example. But to me it**
 21 **was more male-focused type activity. It was sort**
 22 **of like Dungeons and Dragons. It was like a**
 23 **role-playing game. I think those can be**
 24 **interesting for a lot of people. But they're just**
 25 **not my cup of tea.**

1 **I can see the metaphor in it, and I**
 2 **enjoyed that part. But the actual activity maybe**
 3 **not was as meaningful to me as other activities**
 4 **I've done for team-building type activity.**

5 **Q.** Did you see that as a form of mind
 6 control?

7 **A. No.**

8 **Q.** Did you see that event as conditioning
 9 you to do or not do anything that week?

10 **A. No.**

11 **Q.** Did you see the Samurai Game having
 12 anything to do with your choice to go into the
 13 sweat lodge or your choice to stay and complete it?

14 **A. Absolutely not.**

15 **Q.** The other event that you partook in
 16 before the sweat lodge was the Vision Quest;
 17 correct?

18 **A. Yes.**

19 **Q.** And you actually found that to be a
 20 positive experience?

21 **A. I thought it was amazing. I loved it.**

22 **Q.** You liked the solitude. What was it you
 23 liked it about it?

24 **A. I found I did enjoy the solitude. I'm**
 25 **not someone who normally likes to be by myself.**

1 **The time really flew by. I had a lot of time to**
 2 **reflect. Gorgeous Arizona countryside. I believe**
 3 **there was a full moon that night, lots of stars. I**
 4 **just really was able to just quietly think. And it**
 5 **was wonderful.**
 6 **Q.** You actually were a little bit
 7 disappointed about some aspects of it; right?
 8 **A.** Well -- so I really enjoyed it. When you
 9 think about you're being -- the perception or the
 10 description is you're being isolated -- you know --
 11 in the desert. You could hear other participants
 12 cough. We weren't that far apart. I knew where
 13 the road was. If I needed to get where I was, I
 14 could have been -- within 10 minutes, I could have
 15 been back at camp because I knew where it was.
 16 **For me where the location was --**
 17 **however -- you know -- to think of those details to**
 18 **some degree trivialized it for me. So I really**
 19 **just tried to concentrate on the feelings I had**
 20 **during that event, for lack of a better word.**
 21 **Q.** So if I understand what you just said
 22 now, are you expressing a bit of disappointment
 23 that you weren't truly out in the wilderness?
 24 **A.** Yes.
 25 **Q.** Did you find it difficult to fast for

1 those 36 hours?
 2 **A.** No.
 3 **Q.** At any moment during the 36 hours, did
 4 you had difficulty with thirst?
 5 **A.** I don't recall feeling hungry or thirsty
 6 significantly enough to remember at any time.
 7 **Q.** In fact, you made the conscious choice to
 8 not eat the trail mix that you inadvertently
 9 brought with you?
 10 **A.** Yes.
 11 **Q.** Again, did you see the Vision Quest as a
 12 form of mind control?
 13 **A.** No.
 14 **Q.** Did you see the Vision Quest as an
 15 activity that conditioned you to do or not do
 16 anything that week?
 17 **A.** No.
 18 **Q.** Did it have anything to do with your
 19 choice to go into the sweat lodge and stay and
 20 complete the ceremony?
 21 **A.** No.
 22 **Q.** Before -- and then you came back from the
 23 Vision Quest. And before you went into the sweat
 24 lodge, there was a presweat-lodge orientation;
 25 correct?

1 **A.** Yes.
 2 **Q.** Where Mr. Ray, basically, explained to
 3 y'all what you were going to be doing; correct?
 4 **A.** Yes.
 5 **Q.** And he did give safety instructions,
 6 didn't he?
 7 **A.** There were instructions. Yes.
 8 **Q.** As to going in clockwise in a controlled
 9 fashion; correct?
 10 **A.** Yes.
 11 **Q.** As to leaving when the flap was open when
 12 there was light available; correct?
 13 **A.** Yes.
 14 **Q.** And to leave in a clockwise position
 15 because there is a pit of hot rocks in the middle;
 16 correct?
 17 **A.** Yes.
 18 **Q.** Mr. Ray was explaining, I want you to
 19 leave in this controlled fashion because it's
 20 dangerous to leave in the dark in an uncontrolled
 21 fashion?
 22 **A.** Yes.
 23 **Q.** After -- and then he explained and
 24 described what people should expect. His
 25 description was rather brutally honest; correct?

1 **A.** Yes.
 2 **Q.** He said it would be hellaciously hot?
 3 **A.** Yes.
 4 **Q.** And so after he gave that description
 5 you -- let me ask this question first: Your other
 6 roommate was a woman named Elsa?
 7 **A.** I believe that was her name.
 8 **Q.** Do you know if her last name was Hefstad?
 9 **A.** I have no idea.
 10 **Q.** Do you recall her being from Norway?
 11 **A.** Yes.
 12 **Q.** And Elsa, your roommate, after hearing
 13 this description and you all went back to your
 14 cabin to change and get ready to go to the site
 15 where the sweat lodge was, told you, I'm not doing
 16 it?
 17 **A.** Correct.
 18 **Q.** That was fine; right?
 19 **A.** Sure.
 20 **Q.** No one went to her room and dragged her
 21 to the sweat lodge ceremony?
 22 **A.** Not that I know of.
 23 **Q.** You realized that after this tragedy
 24 occurred on October 8, 2009, when you went back
 25 home to Indiana there was a lot of attention on

1 this case; correct?
 2 **A. Yes.**
 3 **Q.** A lot being said in the media?
 4 **A. I tried to avoid most of it. But I had**
 5 **heard that. Yes.**
 6 **Q.** You were aware?
 7 **A. Yes.**
 8 **Q.** And a lot of people saying a lot of
 9 things about folks like you?
 10 **A. Yes.**
 11 **Q.** About the participants; correct?
 12 **A. That's what I heard. Yes.**
 13 **Q.** About Mr. Ray?
 14 **A. Yes.**
 15 **Q.** Now, you heard from the media attention
 16 and the public chatter words like "cult"?
 17 **A. Yes.**
 18 **Q.** "Cult follower"?
 19 **A. Yes.**
 20 **Q.** "Mind control"?
 21 **A. Yes.**
 22 **Q.** "Brain washed"?
 23 **A. I don't believe I heard that word.**
 24 **Q.** Do these words describe you,
 25 Dr. Armstrong?

1 **A. Absolutely not.**
 2 **Q.** What did you think about the portrayal of
 3 yourself in the media?
 4 **A. I didn't hear anything directed at me.**
 5 **It was directed at participants as a whole. I was**
 6 **offended by it because I don't see myself in that**
 7 **way. I am nobody's lemming.**
 8 **And I just saw it as sort of typical**
 9 **media hype, like to categorize various things. You**
 10 **know -- because we didn't hold the same beliefs or**
 11 **it's not even a belief -- because we acted in a way**
 12 **that they didn't understand, then immediately we**
 13 **must be this crazy cult.**
 14 **Certainly, I understand the perception**
 15 **that when -- you know -- we shave our head, that's**
 16 **traditionally associated in some circumstances with**
 17 **something like that.**
 18 **But to me, obviously it was not an**
 19 **adequate portrayal of the average person who I knew**
 20 **and certainly of myself attending these events.**
 21 **Q.** Now, you then -- obviously because you
 22 were there, you're now a witness in this case;
 23 correct?
 24 **A. Yes.**
 25 **Q.** And you don't see yourself as a witness

1 for the state; correct?
 2 **A. I don't know that I necessarily**
 3 **understand the difference. I received a subpoena,**
 4 **and it said I was called to testify.**
 5 **Q.** That was a poorly phrased question.
 6 What I mean, you don't see yourself
 7 taking sides in this case?
 8 **A. No.**
 9 **Q.** You're a witness for the truth?
 10 **A. Correct.**
 11 **Q.** You will answer any question by anyone
 12 truthfully?
 13 **A. Yes.**
 14 **Q.** Now, you've had contacts with the
 15 detectives?
 16 **A. Yes.**
 17 **Q.** You've had contacts with the prosecutors?
 18 **A. Yes.**
 19 **Q.** And they've asked you questions about
 20 what did you see, what did you hear, what did you
 21 observe; correct?
 22 **A. Correct.**
 23 **Q.** Now, at any time during those contacts,
 24 did the state ever tell you that it was their
 25 theory that folks like you and participants were

1 mind controlled by Mr. Ray?
 2 **A. I never remember them saying those words.**
 3 **No.**
 4 **Q.** At any time during the contacts, did
 5 anyone from the state tell you it was their theory
 6 that you were conditioned by Mr. Ray to go into the
 7 sweat lodge and to stay despite the heated
 8 environments?
 9 **A. No.**
 10 **Q.** Sense this theory is about you, as a
 11 participant, Dr. Armstrong, what do you think about
 12 it?
 13 **A. I think it's ridiculous.**
 14 **Q.** You, in fact, in your contacts with the
 15 detectives and the state, have told them repeatedly
 16 that you're nobody's lemming? You made the choice;
 17 correct?
 18 **A. Yes.**
 19 **Q.** And from what you saw during the sweat
 20 lodge ceremony, other people exercised the choice
 21 to come and go?
 22 **A. Yes.**
 23 **Q.** And, in fact, in that last round that you
 24 described yesterday, there was a lot of activity
 25 because people were getting out and people were

1 coming in?
 2 **A. Yes.**
 3 **Q.** Now, let me go back to the sweat lodge
 4 ceremony. You completed the entire ceremony and
 5 you got out on your own two feet?
 6 **A. Yes.**
 7 **Q.** And you actually had enough energy and
 8 were alert and lucid enough that you helped Greg
 9 Hartle out of the lodge?
 10 **A. Yes.**
 11 **Q.** You said that Greg Hartle was a little
 12 woozy but he wasn't -- I believe your word was he
 13 was walking on his own power but a little woozy.
 14 Correct?
 15 **A. Correct.**
 16 **Q.** You indicated yesterday, using this
 17 diagram again, if you will, that when you helped
 18 Mr. Hartle out, you went clockwise. But you had
 19 Mr. Hartle on the outside, you were in the inside,
 20 and the pit was next to you; is that right?
 21 **A. That's correct.**
 22 **Q.** So you focused on that pit so as to avoid
 23 the danger; is that correct?
 24 **A. Yes.**
 25 **Q.** Going clockwise with Mr. Hartle on the

1 outside, you on the inside and here's the pit, your
 2 view of whatever is going on at the 12:00 o'clock
 3 might be obstructed; correct?
 4 **A. Yes.**
 5 **Q.** So you, essentially, with Mr. Hartle on
 6 your arm, helped him out of the sweat lodge?
 7 **A. Yes.**
 8 **Q.** Now, when you came out of the sweat lodge
 9 on your own two feet, you didn't need any medical
 10 attention?
 11 **A. No.**
 12 **Q.** You were fine from beginning to the end?
 13 **A. Yes.**
 14 **Q.** You never passed out?
 15 **A. No.**
 16 **Q.** You never lost consciousness?
 17 **A. I did not.**
 18 **Q.** You never got delirious?
 19 **A. I did not.**
 20 **Q.** You never entered into an altered state
 21 of mind?
 22 **A. Not that I know of. No.**
 23 **Q.** You remained lucid?
 24 **A. Yes.**
 25 **Q.** Alert?

1 **A. Yes.**
 2 **Q.** And oriented?
 3 **A. Yes.**
 4 **Q.** Now, I know that you told us yesterday in
 5 direct that you weren't necessarily looking around
 6 the other areas of the sweat lodge during the
 7 beginning of the ceremony. Is that correct?
 8 **A. I would say initially for the first round**
 9 **I was sitting up. That would be the only round,**
 10 **even though you can't really see, that I was facing**
 11 **the majority of the rest of the tent. The majority**
 12 **of the rest of the time, I was on the ground.**
 13 **Q.** Now, when you say you weren't looking
 14 around the areas, you were concentrating on your
 15 breath, slowing it down; right?
 16 **A. Yes.**
 17 **Q.** You were focusing on your thoughts;
 18 correct?
 19 **A. Absolutely.**
 20 **Q.** That was, essentially, the purpose of
 21 doing this ceremony was to sort of meditate and
 22 focus on your thoughts, your intentions; correct?
 23 **A. That was my purpose. Yes.**
 24 **Q.** You also told Mr. Hughes that at one
 25 point or at several points you pulled your shirt up

1 over your head?
 2 **A. Correct.**
 3 **Q.** Was that completely over, or was it to
 4 cover your nose?
 5 **A. More nose and mouth.**
 6 **Q.** So your eyes weren't covered, were they?
 7 **A. They were at times. I generally kept**
 8 **them shut anyway.**
 9 **Q.** You did that because you wanted to avoid
 10 any fume or odor that might be in the air?
 11 **A. Yeah. It was almost like a -- I don't**
 12 **know. It was comforting; right? I didn't know**
 13 **what to anticipate. So just early on it just**
 14 **seemed more comfortable. I can't explain it, but**
 15 **it just seemed comfortable.**
 16 **Q.** Now, you indicated to Mr. Hughes that you
 17 smelled no perfume or no odor; correct?
 18 **A. Not that I can recall.**
 19 **Q.** Do you have any idea if a toxin like
 20 organophosphate has an odor?
 21 **A. Not particularly. A fair majority of**
 22 **different kinds of poisons like that don't**
 23 **necessarily have an odor. To avoid some poisoning,**
 24 **they may add things is my understanding. But I'm**
 25 **no expert.**

1 Q. Now, when you pulled your shirt up over
2 most of your nose and mouth and sometimes your
3 eyes, it's a breathable material; correct?

4 A. Yes.

5 Q. So that didn't prevent you from hearing
6 anything if something was -- if there was a sound
7 or somebody spoke inside the ceremony; correct?

8 A. No.

9 Q. And two times, in fact, you told this
10 jury that you heard something that then caused you
11 to look up. That was with respect to Lou Caci and
12 Amy Grimes; correct?

13 A. **I don't know her last name, but yes.**
14 **Amy.**

15 Q. It was Amy that you referred to?

16 A. Yes.

17 Q. Now, so even though you weren't
18 necessarily focusing on the folks around you
19 because you were thinking about your thoughts and
20 you had your shirt over -- this breathable material
21 over, if you heard something that caught your
22 attention, you then looked up; correct?

23 A. **Yeah. Both of those were earlier in the**
24 **event. As the event got on, I didn't sit up as**
25 **much, and I was probably more keeping to myself.**

1 Q. All right. And I'm going to talk to you
2 a little bit more about Lou Caci and Amy. You also
3 told Mr. Hughes that your perception of time was a
4 bit blurred?

5 A. Yes. **I have no perception.**

6 Q. And that's as to perception of time only;
7 correct?

8 A. Yes.

9 Q. Otherwise you were alert, lucid and
10 oriented?

11 A. **I felt certainly those things. But --**
12 **you know -- in terms of perception of time, I just**
13 **really had no -- I was really surprised when later**
14 **somebody said it was, like, two hours, because to**
15 **me it felt like 30 minutes.**

16 Q. When you finished the ceremony, helped
17 Mr. Hartle out, you emerged from that structure and
18 you actually felt really good; right?

19 A. **Yeah. I felt a huge sense of**
20 **accomplishment.**

21 Q. And you did something with your hands.
22 Do you recall a gesture that you did with your
23 hands?

24 A. **Yes. I put them over my head.**

25 Q. Could you demonstrate for the jury.

1 So you, for the record, just raised both
2 arms with your fists clenched like you just
3 completed this thing?

4 A. **Like "Rocky."**

5 Q. And so you were celebrating your personal
6 accomplishment?

7 A. Yes.

8 Q. And that was the first thing you did when
9 you walked out of that sweat lodge was to celebrate
10 your personal accomplishment?

11 A. Yes.

12 Q. Now, you hadn't seen or heard anything
13 happen inside the sweat lodge to cause you to think
14 that somebody had been in serious medical trouble;
15 correct?

16 A. **I was concerned about -- obviously burns**
17 **are very serious, even if they're to a small part**
18 **of the body. So the most concerning thing I saw**
19 **was this perception that Lou had at least burnt a**
20 **part of himself.**

21 Q. We'll get back to that. Obviously nobody
22 is trivializing a second-degree burn. That's
23 serious. But you didn't see that as life
24 threatening?

25 A. **I had no idea to what degree the burn**

1 **was. And because my -- at least my thought was, I**
2 **thought it was fairly small in terms of what**
3 **actually entered the pit, but I had no -- I wasn't**
4 **concerned that I thought I should leave and act on**
5 **it. Had it been more severe, I would have felt**
6 **that way.**

7 Q. So when you walked out and you did this
8 Rocky, it wasn't because you were callus or
9 indifferent to anything that happened inside the
10 sweat. You just didn't notice anything that caused
11 you to think there was a life-threatening
12 situation?

13 A. **No. I assumed everybody else had a**
14 **similar experience, except for Amy and Lou.**

15 Q. And when you did that Rocky gesture and
16 celebrated your personal accomplishment, you also
17 had not at that moment noticed anything had gone
18 wrong outside the sweat lodge ceremony; correct?

19 A. Correct.

20 Q. Again, it's because you didn't notice?
21 It wasn't because you were being callus or
22 indifferent?

23 A. **Absolutely.**

24 Q. As soon as you realized, though, Doctor,
25 there was a medical emergency, you kicked into

1 action?

2 **A. Yes.**

3 **Q.** And that's where you had your special
4 obligations to other fellow human beings?

5 **A. Yes.**

6 **Q.** Now, I want to talk about those two
7 incidents in the sweat lodge ceremony having to do
8 with Lou Caci and Amy. Lou Caci was the first
9 incident that you became aware of; correct?

10 **A. I am not 100 percent sure. In my own**
11 **mind, I thought Amy occurred before Lou, but I**
12 **don't know that.**

13 **Q.** Let's talk about Lou. You indicated that
14 at some point you heard a scream?

15 **A. Yes.**

16 **Q.** And a scream came out when it was dark?

17 **A. Yes.**

18 **Q.** So that meant the flap was down?

19 **A. Yes.**

20 **Q.** And a round was in progress?

21 **A. Yes.**

22 **Q.** You then -- after hearing the scream, you
23 heard discussion or conversation among people
24 inside the sweat lodge ceremony; correct?

25 **A. Yes.**

1 **Q.** And from that discussion or conversation,
2 you heard somebody say Lou burned himself?

3 **A. Yes.**

4 **Q.** Then you looked up?

5 **A. Yes.**

6 **Q.** And in a low light, you said, you saw Lou
7 Caci?

8 **A. I saw a male figure. And there was**
9 **enough light to say that -- because someone had**
10 **identified him as Lou, I assumed that was him.**

11 **Q.** But you did look up when you heard Lou
12 burned himself?

13 **A. Yes.**

14 **Q.** And you could make out the shape or the
15 profile of a male?

16 **A. Yes.**

17 **Q.** Now, after you looked up and you saw
18 this -- and first of all, I think yesterday --
19 correct me if I'm wrong -- you heard the scream
20 come from this area; correct?

21 **A. Yes.**

22 **Q.** I've identified in Exhibit 414 an area
23 that would be in the 12:00 to 3:00 o'clock zone
24 very close to the pit. Is that fair to say? Let
25 me do this. How would you describe that?

1 **A. So I guess I did the whole line. But to**
2 **me that's 12:00 but close to the pit.**

3 **Q.** When you looked up and you noticed who
4 you believed to be Lou, you then heard Mr. Ray say
5 something; correct?

6 **A. Yes.**

7 **Q.** What did he say?

8 **A. Something to the effect of someone help**
9 **him and possibly it would be faster. When I looked**
10 **up, I could sort of see this figure. And within**
11 **that time frame, people were coming to try and help**
12 **him get to where he was. And I remember James Ray**
13 **saying something to the effect of help him or guide**
14 **him. I don't know the exact words.**

15 **Q.** I understand it's been 17 months. You're
16 having a little difficulty recalling the exact
17 words?

18 **A. Yes.**

19 **Q.** You spoke to a Detective John Johnson on
20 October 22nd, 2009?

21 **A. I don't recall his name. But yes. I was**
22 **interviewed several times.**

23 **Q.** And that was a telephonic interview?

24 **A. Yes.**

25 **Q.** Would it help you remember,

1 Dr. Armstrong, what the exact words might have been
2 if you looked at the transcript?

3 **A. Yes.**

4 **MS. DO:** May I approach the witness?

5 **THE COURT:** Yes, you may.

6 **Q. BY MS. DO:** I'm going to hand you the
7 transcript of that interview and direct your
8 attention to lines 8 to 9. And just read that to
9 yourself first.

10 **A. Yes.**

11 **Q.** Now, having read that, does that help you
12 remember what his -- close to his exact words were
13 on that date?

14 **A. What I signified here was just help him.**

15 **Q.** You said, James said, let's get him out,
16 help him; Correct?

17 **A. Yes.**

18 **MR. HUGHES:** Objection. I'd ask that pursuant
19 to Rule 106 that lines 1 through 20 be read.

20 **THE COURT:** Ms. Do?

21 **MS. DO:** May I have one moment, Your Honor?

22 **THE COURT:** Of course.

23 **Q. BY MS. DO:** Sure. If you want to read
24 Lines 1 through 20, go ahead, Doctor.

25 **A. Yeah. Roughly it was the first -- the**

1 first incident I guess I'm saying.

2 You used the word "incident," so it was
3 the first --

4 Other than the second thing I remember
5 was that Amy being carried out.

6 The first thing was Lou walked in -- like
7 I said, he walked. He was trying to walk straight
8 out, which you need to go around the circle. So
9 the fire, the hole where there --

10 This doesn't make much sense.

11 The hole was there so he put his hand
12 down to catch himself, and he burned his hand and
13 he screamed in pain. And James asked, what was
14 that had happened? So several people said he
15 burned his hand.

16 He said, oh -- you know -- let's get him
17 out. And James said help him. And they were all
18 simultaneously --

19 I think it's missing a word, "talking."

20 It was hard because I could hear James
21 saying, help him. I recognized that voice. But
22 everybody was also saying, do this, do that, or do
23 this, do that -- you know. Like walk this path or
24 whatever.

25 They went to get him out, and he

1 initially at first tried to carry him. He was a
2 pretty big guy, the guy who was trying to carry
3 him, and it wasn't very coordinated.

4 James suggested that he try to walk and
5 they support him just so they could get him out
6 faster. James commented it would be a lot faster.
7 So he did. And he left.

8 And so I heard him announce himself or
9 somebody announce him because I think he came back
10 in in the last round. Like I said, boy, that thing
11 was -- that last round the door just opened, a lot
12 of people came back in.

13 Q. Okay. When Lou screamed out and then you
14 put two and two together from what you heard and
15 what you could see, that he had burned himself,
16 Mr. Ray said help him?

17 A. Yes.

18 Q. Was there any delay between your
19 assessment that Lou had burned himself and Mr. Ray
20 saying help him?

21 A. Not to my knowledge. No.

22 Q. And he got that help and he was helped
23 out of the sweat lodge; correct?

24 A. Yes.

25 Q. Now, you had told us yesterday, as well

1 as today, that there were Dream Team members posted
2 inside the sweat lodge ceremony at the four
3 directions; correct?

4 A. Yes.

5 Q. That would be at the west, the north, the
6 east and close to the south; correct?

7 A. I don't know someone was at the south on
8 the inside.

9 Q. Sure.

10 A. I know there were people outside, like,
11 to help you when people walked out.

12 Q. I might have to clarify that. Do you
13 know a person named Aaron Bennett?

14 A. Not by name.

15 Q. Do you not know if Aaron Bennett was an
16 employee of James Ray International?

17 A. I've never heard that name before.

18 Q. So you're not sure if Aaron Bennett was
19 posted at this location at the left of the flap
20 near 6:00 o'clock?

21 A. I don't know.

22 Q. But you did know that there were Dream
23 Team members at the west, the north and the east?

24 A. Yes.

25 Q. And through the week of the Spiritual

1 Warrior you came to learn, and possibly from prior
2 events, that Dream Team members were there to help
3 support participants; correct?

4 A. Yes.

5 Q. You were aware that these Dream Team
6 members were placed inside the sweat lodge ceremony
7 by James Ray International to help monitor the
8 participants?

9 MR. HUGHES: Objection. Foundation.
10 Speculation.

11 THE COURT: Overruled.

12 You may answer that if you can.

13 THE WITNESS: I don't know that I know their
14 purpose other than most of them -- to be in the
15 Dream Team, my understanding is you had to have
16 gone through the event. My understanding would be
17 that having done it before, they would be -- you
18 know -- familiar with the procedures.

19 And as we were waiting to go in, one
20 member had said to me they were looking forward to
21 it. So I assumed that they went in because they
22 wanted to.

23 Q. BY MS. DO: Do you remember who that
24 member was?

25 A. Liz Neuman.

1 **Q.** Throughout the week whenever you as a
2 participant needed something, you were encouraged
3 to raise your hand and get ahold of a Dream Team
4 member to help you; correct?

5 **A. Yes.**

6 **Q.** So based on your experience, did you feel
7 that if you needed some help you could ask a Dream
8 Team member inside the ceremony?

9 **A. I guess it depends what kind of help. I**
10 **mean, I saw them -- you know -- more like us in**
11 **terms of being -- they're not participants. They**
12 **were there. But I guess -- I'm a doctor. If I**
13 **needed help in a sweat lodge, I would help myself.**
14 **I wouldn't go to someone I don't know very well.**

15 **I guess it depends on what it was. If I**
16 **had a question about the procedure or the**
17 **symbolism, they may have known that, and I might**
18 **have asked that type of question. If I physically**
19 **needed help -- you know -- I would probably ask the**
20 **person closest to me because they would be**
21 **immediately available. Or if I had my own power, I**
22 **would take care of myself.**

23 **Q.** Or, likewise, if someone needed help, you
24 would help them if you were next to them?

25 **A. Yes.**

1 **Q.** My question, again -- maybe it's poorly
2 worded -- is that you understood the Dream Team
3 members were there for some kind of support;
4 correct?

5 **A. Yes. I think they had, like, in the**
6 **symbolism of the ceremony because they were sitting**
7 **at the directions, they may have had something to**
8 **say, like, a question and a response thing. So I**
9 **guess I saw them serving that purpose. Yes.**

10 **Q.** You also were aware that there were Dream
11 Team members posted outside the sweat lodge
12 ceremony; correct?

13 **A. Yes.**

14 **Q.** And you mentioned yesterday a woman named
15 Barb?

16 **A. Yes.**

17 **Q.** Do you know if that's Barb Waters?

18 **A. I believe that's her last name.**

19 **Q.** And she was somebody that you indicated
20 you saw helping with either Kirby Brown or James
21 Shore doing two-man compression CPR?

22 **A. When I saw her, it was James Shore. Yes.**

23 **Q.** You also mentioned you saw a Lisa;
24 correct?

25 **A. Yes.**

1 **Q.** Is that Lisa Rondon, to your knowledge?

2 **A. I believe so.**

3 **Q.** And, by the way, both Barb Waters and
4 Lisa Rondon were Dream Team members posted outside
5 the sweat lodge, if you know?

6 **A. I assume they were outside. Yes.**

7 **Q.** Did you see them wearing blue shirts?

8 **A. Yes.**

9 **Q.** And Lisa was another person that you saw
10 in a blue shirt helping with CPR on either Kirby
11 Brown or James Shore; correct?

12 **A. Yes.**

13 **Q.** Were you aware that there was a Dream
14 Team member named Marta Reis outside?

15 **A. Yes.**

16 **Q.** A Dream Team member named Jennifer Haley
17 outside?

18 **A. I don't know. I don't recognize that**
19 **name.**

20 **Q.** And a Melinda Martin?

21 **A. Yes.**

22 **Q.** You were told at some time before
23 entering into the sweat lodge ceremony that these
24 folks were outside to help people who came out,
25 help them come out to cool them down, give them

1 towels, water and fruit if they need it?

2 **A. Yes.**

3 **Q.** Now, going back to Lou. When you heard
4 Mr. Ray say, help him, and he was helped out, at
5 some point later during the ceremony you became
6 aware that Lou had reentered?

7 **A. Before the last round. Yes.**

8 **Q.** And was that because he announced himself
9 or people around him announced himself?

10 **A. I do not believe it was his voice. I**
11 **believe it was other people announcing he was**
12 **coming back in.**

13 **Q.** Now, you had told us that as a doctor you
14 considered a burn, a second-degree burn to be
15 serious; correct?

16 **A. Yes.**

17 **Q.** But based on upon what you saw and heard
18 inside that sweat lodge ceremony, Dr. Armstrong,
19 did you consider that burn serious enough that you
20 should stop the ceremony?

21 **A. No.**

22 **Q.** And if you did, would you have?

23 **A. Yes. I'd try my best. Yes.**

24 **Q.** You would have done everything in your
25 power to have stopped the ceremony if you felt that

1 that incident with Lou Caci was life threatening?

2 **A. Absolutely.**

3 **Q.** Now, let's talk about Amy. And I realize
4 you're not sure if Amy happened before Lou. Having
5 had a chance to read the transcript, does that
6 refresh your memory?

7 **A. I don't remember it, but I think I said**
8 **here it was the second thing that happened after**
9 **Lou.**

10 **Q.** With respect to Amy yesterday, you said,
11 at some point you heard somebody say, and I quote
12 you, Amy was unconscious; is that right?

13 **A. Yes.**

14 **Q.** Now, my question to you is, today are you
15 sure that what you heard was the word
16 "unconscious," or did you hear something else?

17 **A. They could have used a more lay term,**
18 **like "passed out." And that, in my mind, would be**
19 **equivalent. Even though it may not actually be, in**
20 **my own mind I make that equivalent. I can't say**
21 **with any degree of certainty. No.**

22 **Q.** And, again, when you spoke to the
23 detectives on October 22nd some weeks after the
24 incident, would your memory have been fresher then?

25 **A. Yes.**

1 **Q.** Would it help you recall what the words
2 were that you heard if you looked at the
3 transcript?

4 **A. Yes.**

5 **Q.** I'll direct you to the same transcript.
6 If you look at page 20, line 13.

7 **A. Yes.**

8 **Q.** Now, looking at that, does it help you
9 recall what it was that you heard that then brought
10 your attention to Amy?

11 **A. What I said at the time was somebody**
12 **said -- you know -- Amy has passed out.**

13 **Q.** Now, directing your attention again to
14 the same transcript, page 24, lines 3 to 6.

15 There again, does that help you refresh
16 your memory that you said for a second time on
17 October 22nd that Amy was passed out, or you heard?

18 **A. Yes. Correct.**

19 **Q.** So when you heard that sentence or that
20 phrase, Amy was passed out, you didn't know who
21 said it; correct?

22 **A. No.**

23 **Q.** And looking again at Exhibit 414, I
24 believe yesterday you testified that you heard that
25 come from this area. Is that right?

1 **A. Yes.**

2 **Q.** I've indicated with a line on Exhibit 414
3 the area between 12:00 o'clock and 3:00 o'clock; is
4 that right?

5 **A. Correct.**

6 **Q.** That's somewhat across from you; correct?

7 **A. Yes.**

8 **Q.** But you were able to hear that?

9 **A. Yes.**

10 **Q.** So whether you had your shirt up or not,
11 you were able to hear it?

12 **A. Yes.**

13 **Q.** Now, when you heard that being said from
14 that zone in the 12:00-to-3:00 o'clock area, you
15 then heard several people say, let's get some guys
16 over there?

17 **A. Yes.**

18 **Q.** You, in fact, also said, let's get some
19 guys over there?

20 **A. I sort of recall that it -- again, people**
21 **kept talking and saying different things. And it**
22 **seemed like it was taking a little bit of time in**
23 **terms of getting the person out. And so I do**
24 **recall, like, to me it's pretty obvious. We're**
25 **little girls. We should send big guys to do that.**

1 **Q.** So did big guys go over there to help?

2 **A. I believe so. Yes.**

3 **Q.** Was there any delay between Amy's passed
4 out to the time some big guys went over there and
5 helped her out?

6 **A. No. It all happened at the same time.**

7 **Q.** She was helped out?

8 **A. To my knowledge, yes.**

9 **Q.** Do you know whether or not Mr. Ray heard
10 what you heard?

11 **A. I have no idea.**

12 **Q.** Did you ever hear Mr. Ray say anything
13 after Amy's passed out? Let's get some guys over
14 there? Did you hear Mr. Ray say no? We're going
15 to wait until the next round?

16 **A. No. I don't recall that.**

17 **Q.** Did you hear or see anything that Mr. Ray
18 did to prevent people from helping Amy out?

19 **A. No.**

20 **Q.** At that point when you heard Amy passed
21 out, Dr. Armstrong, did you think that that was a
22 situation where somebody is in serious medical
23 distress that required your medical attention?

24 **A. At the time I didn't, you know. I felt**
25 **so good, I didn't feel like -- in terms of the**

1 **environment, I didn't feel horrible. And so I**
 2 **really just associated it that she was a really**
 3 **skinny, petite person. And so I just assumed it**
 4 **was more her individual factors that had her**
 5 **succumbed to the heat. So I thought she -- you**
 6 **know -- I didn't think it was serious at the time.**
 7 **No.**

8 **Q.** And you've explained to Mr. Hughes in
 9 some general details that heat illnesses exist on a
 10 spectrum; right?

11 **A. Correct.**

12 **Q.** On the low end you have something as mild
 13 as heat exhaustion; correct?

14 **A. Yes.**

15 **Q.** And on the extreme end you have something
 16 as serious as heat stroke?

17 **A. Yes.**

18 **Q.** Now, you indicated you've never treated
 19 anyone with heat strokes, but you have treated
 20 patients with heat rash, heat exhaustion; correct?

21 **A. Yes.**

22 **Q.** If somebody has heat exhaustion -- by the
 23 way, you have seen cases of heat exhaustion with
 24 high school student athletes practicing on a
 25 football field; correct?

1 **A. Not personally. I know of those stories.**
 2 **Yes.**

3 **Q.** If somebody has heat exhaustion, what you
 4 do is you take them out of the hot environment, you
 5 cool them down; correct?

6 **A. Correct.**

7 **Q.** That is a treatable, reversible
 8 condition; correct? Heat exhaustion.

9 **A. Yes.**

10 **Q.** So Amy got taken out. And at that moment
 11 in time, given what you saw, what you heard, you
 12 didn't think it was a serious situation, a serious
 13 medical distress; correct?

14 **A. At the time, no.**

15 **Q.** Now, had you thought when you heard Amy
 16 is passed out that that was a situation where
 17 somebody was in serious trouble, what would you
 18 have done?

19 **A. I would have left and tried to help in**
 20 **some way.**

21 **Q.** You would have done everything in your
 22 power -- correct? -- to help?

23 **A. Yes.**

24 **Q.** So no ritual, no ceremony, would have
 25 stopped you?

1 **A. No.**

2 **Q.** Christine Mattern, that sat next to
 3 you -- if you saw anything occurring with Christine
 4 that indicated to you that there was something
 5 physically troubling about her, what would you have
 6 done?

7 **A. I would have removed her and rendered**
 8 **whatever care I could.**

9 **Q.** Other than the incident with Lou Caci and
 10 Amy Grimes, Doctor, you didn't hear any other
 11 incident occur inside the sweat lodge ceremony?

12 **A. I was aware of none. No.**

13 **Q.** You didn't hear anyone say somebody is
 14 having problems other than what you heard about Lou
 15 and Amy; correct?

16 **A. Correct.**

17 **Q.** You didn't hear anyone yell out, I need
 18 help?

19 **A. I did not.**

20 **Q.** You didn't hear anyone yell out they were
 21 having a heart attack inside the sweat lodge?

22 **A. I did not.**

23 **Q.** If you had heard someone say, I'm having
 24 a heart attack, Doctor, what would you have done?

25 **A. If I heard someone was having a heart**

1 **attack, I would go to them. And if they were in**
 2 **the sweat lodge, take them out and -- you know --**
 3 **obviously start whatever procedures we could to get**
 4 **them medical care. That would not be normal.**

5 **Q.** If you had heard -- I know that you had
 6 heard somebody say Amy is passed out or, in your
 7 mind, you equate that with unconscious. If you had
 8 heard multiple times somebody saying so-and-so is
 9 unconscious, what would that have done for you,
 10 Doctor?

11 **A. I would think we should go and get that**
 12 **person out. As you mentioned, the first treatment**
 13 **is to get someone into the cool so you can actually**
 14 **assess them. You cannot assess anyone in that**
 15 **environment. It's dark and you can't really see**
 16 **and know what's going on.**

17 **So I would say you would leave and elicit**
 18 **help from whoever was next to you and take that**
 19 **person out.**

20 **Q.** Because if you had heard people screaming
 21 inside multiple times, so-and-so is unconscious,
 22 so-and-so is not breathing, that would have been a
 23 game changer for you; wouldn't it?

24 **A. Absolutely. If someone is not breathing,**
 25 **that's a medical emergency.**

1 Q. When you first realized that there was a
2 medical emergency, that was when you came out on
3 your own two feet from the sweat lodge ceremony?

4 A. **I had come out and I was sitting on a
5 tarp. And someone to the right of me yelled for
6 help. That was my first indication that anything
7 was going on other than the two incidents we
8 mentioned.**

9 Q. So you came out. And, again, you were
10 lucid? You didn't require any medical attention?

11 A. **No.**

12 Q. And you were on the tarp cooling off;
13 correct?

14 A. **Yes.**

15 Q. Somebody had put water on you, hosed you
16 down or dumped a bucket; correct?

17 A. **Yes.**

18 Q. Somebody gave you water to drink?

19 A. **Yes.**

20 Q. You actually said yesterday you had
21 conversations with folks who were congratulating
22 you?

23 A. **Correct.**

24 Q. So all this happened within a few minutes
25 before you heard someone say, I need help over

1 here?

2 A. **Yes.**

3 Q. And you indicated that you believed that
4 person to be somebody named Bret?

5 A. **Correct.**

6 Q. Could that have been Brent?

7 A. **It could have been.**

8 Q. Do you know a Brent Mekosh?

9 A. **I don't recall. I do recall someone
10 saying his name was Bret, but I have know idea what
11 his last name is.**

12 Q. So somebody who you recall to be Bret
13 said, I need help over here, and you kicked into
14 doctor action; right?

15 A. **Yes.**

16 Q. You turned your attention to a woman
17 named Sidney Spencer?

18 A. **I knew her name was Sidney at the time.
19 Yes.**

20 Q. And when you looked at Sidney, you
21 described to the jury that she had frothy sputum?

22 A. **Yes.**

23 Q. That means foaming at the mouth; correct?

24 A. **I guess.**

25 Q. Well, frothy sputum is sort of a medical

1 term; yes?

2 A. **Yes.**

3 Q. So for a layperson, that would be foaming
4 at the mouth?

5 A. **Foaming at the mouth makes me think of a
6 rabid dog. This was a small amount of secretions
7 that were airy so they were bubbly. Right? That's
8 what made it frothy. Yes. More like the top of,
9 like, a very small latte or something, a very light
10 version. Like "foamy" is a good word.**

11 Q. When I said "foaming," I wasn't trying to
12 imply what you said as a rabid -- what was it?

13 A. **Like a dog or something. I guess to me
14 it was all about volume.**

15 Q. So what you're saying is it was foaming
16 but not a significant volume?

17 A. **Correct.**

18 Q. You also indicated mucus from the nose?

19 A. **Yes.**

20 Q. And this foaming that you saw or the
21 frothy sputum indicated to you that there was a
22 process going on; right?

23 A. **Well, so frothy sputum is a hallmark of
24 congestive heart failure. So that's the first
25 thing I had in mind.**

1 Q. Pulmonary edema?

2 A. **Yes.**

3 Q. Can you tell the jury what a pulmonary
4 edema is.

5 A. **Basically, fluid in your lungs, best
6 description.**

7 Q. You also noticed that Sidney Spencer was
8 breathing; right?

9 A. **Yes.**

10 Q. She had a strong pulse?

11 A. **Yes.**

12 Q. You said you did something called a
13 "sternal rub," which is to with your knuckles apply
14 a lot of pressure to her chest?

15 A. **Yes.**

16 Q. That was to place a painful stimuli on
17 her to see if there was integrity of the brain and
18 function; correct?

19 A. **Yes.**

20 Q. And she had what you described as a
21 blunted response?

22 A. **Yes.**

23 Q. And that means a weak or diminished
24 response to that painful stimuli?

25 A. **Correct.**

1 Q. Based on your assessment, you felt you
2 could leave her with the person you believed is
3 Bret; correct?
4 A. **Correct.**
5 Q. Because at that moment you heard somebody
6 say, hey, they're doing CPR over here?
7 A. **Correct.**
8 Q. And so you left Sidney and you went to an
9 area that you described as being behind the sweat
10 lodge?
11 A. **Correct.**
12 Q. You saw two people on the ground?
13 A. **Yes.**
14 Q. You saw that there were Dream Team
15 members in blue shirts performing CPR on both of
16 them; correct?
17 A. **There were people in blue shirts and**
18 **there were people who had on more regular clothing**
19 **as well.**
20 Q. So a number of people; yes?
21 A. **Correct.**
22 Q. And the CPR you saw was two-man CPR,
23 meaning there was a person doing chest compressions
24 and another person doing mouth to mouth?
25 A. **Correct.**

1 Q. That was in process when you arrived to
2 the location?
3 A. **Yes.**
4 Q. When you arrived, you identified yourself
5 as a doctor?
6 A. **Yes.**
7 Q. And you said anyone here need help?
8 A. **I said, can I help?**
9 Q. Okay. You also noticed when you arrived
10 to that location that CPR was in progress and
11 Mr. Ray was standing there; correct?
12 A. **Yes.**
13 Q. Mr. Ray asked you if there was anything
14 that could be done. He was asking you; right?
15 A. **Not -- when I first arrived, I did more**
16 **the asking questions to see where it was. That was**
17 **later in the course that he asked me that. Yes.**
18 Q. So let me try and stay in your order,
19 then. Let's talk about James Shore and Kirby
20 Brown. James Shore you -- based upon your
21 assessment of him at that moment was in full
22 cardiac arrest?
23 A. **Correct.**
24 Q. Could you tell the jury what full cardiac
25 arrest is.

1 A. **Means they're not breathing on their own**
2 **and they have no discernible action of the heart.**
3 **There is no pulse. Their heart's not beating.**
4 Q. No heart activity; correct?
5 A. **That you can discern. Without a monitor**
6 **there could be heart activity that's not**
7 **productive. But from my standpoint, their heart**
8 **was not working and they're not breathing.**
9 Q. No pulse either?
10 A. **Correct.**
11 Q. And did you notice anything about his
12 skin color?
13 A. **Their face looked a little -- "cyanotic"**
14 **is the word. A little dusty.**
15 Q. And throughout the attempts of CPR,
16 Mr. Shore never responded; correct?
17 A. **That's correct.**
18 Q. So he wasn't resuscitated?
19 A. **Correct.**
20 Q. And from the time that you arrived to the
21 time that he was then turned over to the care of
22 EMS, he never regained a pulse or breathing;
23 correct?
24 A. **Correct.**
25 Q. In your medical opinion, Doctor, was

1 James Shore deceased when you saw him?
2 A. **Yes.**
3 Q. In medical terms, is that something we
4 call "asystolic"?
5 A. **Yes.**
6 Q. Were you at that moment able to tell what
7 caused Mr. Shore's condition?
8 A. **No.**
9 Q. Kirby Brown when you saw her was also in
10 full cardiac arrest?
11 A. **Correct.**
12 Q. That means she had no pulse?
13 A. **Correct.**
14 Q. She was not breathing?
15 A. **Correct.**
16 Q. No heart activity?
17 A. **Correct.**
18 Q. Was her skin color also cyanotic?
19 A. **I remember her lips were -- you know -- a**
20 **little dusty as well. I believe that James was a**
21 **little more in that appearance to me.**
22 Q. And she also never responded to the
23 efforts to resuscitate?
24 A. **Correct.**
25 Q. In your medical opinion, Dr. Armstrong,

1 was Kirby deceased when you saw her?
 2 **A. Correct.**
 3 **Q.** In medical terms, that's "asystolic"?
 4 **A. Yes.**
 5 **Q.** At that moment were you able to tell what
 6 caused Kirby's condition?
 7 **A. No.**
 8 **Q.** When you arrived to see Kirby Brown and
 9 James Shore, you said that CPR was in progress.
 10 That included mouth to mouth and chest compression.
 11 Did anyone at the scene who was doing
 12 compression -- I'm sorry -- doing CPR tell you that
 13 they had seen Kirby Brown and James Shore both
 14 foaming at the mouth?
 15 **A. No.**
 16 **Q.** You said you rotated between Kirby and
 17 James Shore; correct?
 18 **A. Yes.**
 19 **Q.** At some moment -- Mr. Ray was already
 20 there -- at some moment you had a conversation with
 21 him?
 22 **A. Yes.**
 23 **Q.** Did I get this order right now?
 24 **A. Yes.**
 25 **Q.** What happened between you and Mr. Ray?

1 What was the conversation?
 2 **A. We had two different conversations. The**
 3 **first conversation was I was standing between James**
 4 **and Kirby, and I had rotated out from doing CPR.**
 5 **So I was just going through a mental checklist**
 6 **thinking of anything else we could try. We don't**
 7 **have any equipment.**
 8 **Plus with CPR it's really basic. I mean,**
 9 **it's the same procedure. It's airway, breathing,**
 10 **circulation, until help arrives. You don't stop**
 11 **for any reason. You just continue that pattern. I**
 12 **was thinking through my mind just because -- you**
 13 **know -- you're used to being in a hospital, place**
 14 **with equipment. Just sort of going through a**
 15 **mental checklist. Is there anything else that**
 16 **would change this outcome at all?**
 17 **It occurred to me that because AEDs**
 18 **are -- you know -- in airports, et cetera, now,**
 19 **that they may have had one. I asked James Ray. He**
 20 **actually asked me. He said, is there anything else**
 21 **we can do?**
 22 **I said, number one, we're sure that**
 23 **they've called EMS? It seems like it's taking a**
 24 **little while to get here. The perception is just**
 25 **time.**

1 **Q.** Yeah.
 2 **A.** When you're in an emergency, it's, like,
 3 why aren't they here?
 4 **Q.** Did Mr. Ray respond to your question
 5 about has EMS been contacted?
 6 **A. He said yes.**
 7 **Q.** And what happened next?
 8 **A. He says, is there anything else that we**
 9 **could or should be doing? And I said, do we know**
 10 **if they have an AED? He asked what that was. I**
 11 **explained it. He said, I don't know. I'll go find**
 12 **out. And he left.**
 13 **Q.** Was there any delay between Mr. Ray
 14 taking off to look for the AED when you requested
 15 it?
 16 **A. No. As soon as he said that, he walked**
 17 **away. So I assume that's what he went to look for.**
 18 **Q.** And an AED is automated external
 19 defibrillator; right?
 20 **A. Yes.**
 21 **Q.** Mr. Ray also asked you at that moment if
 22 Kirby and James were going to make it?
 23 **A. That was the second conversation. That**
 24 **is, after he had come back.**
 25 **Q.** Let me try keep my order right. You

1 asked for an AED after Mr. Ray asked if there was
 2 something he could do to help; correct?
 3 **A. Yes.**
 4 **Q.** He went to go look for it?
 5 **A. Correct.**
 6 **Q.** He came back?
 7 **A. While he was gone I rotated back into**
 8 **CPR. And so at some point I was doing a couple**
 9 **more rounds of CPR and making people rotate. So**
 10 **when I was back out again in that position sort of**
 11 **between them, he had come back at that point.**
 12 **And when I saw him, he indicated that**
 13 **they didn't have the AED or didn't have one. And**
 14 **then he asked me -- and I don't remember honestly**
 15 **today what his exact words were. But, basically, I**
 16 **believed him to be saying this doesn't look good.**
 17 **Do you think there is any chance that they will**
 18 **recover?**
 19 **Q.** What was his demeanor?
 20 **A. He looked concerned.**
 21 **Q.** Do you know whether or not Mr. Ray went
 22 to look for an AED both with respect to James Ray
 23 International equipment and Angel Valley? If you
 24 know.
 25 **A. I have no idea.**

1 Q. You indicated yesterday that to
 2 Mr. Hughes's questions that Kirby and James'
 3 clothing were wet?
 4 A. **I believe them to be wet. Yes.**
 5 Q. And so based upon their clothing being
 6 wet, you had assumed they had been wetted down in
 7 some fashion?
 8 A. **I don't know that I made an assumption.**
 9 **I guess I -- they felt wet so I assumed that.**
 10 **Today I think that. I don't know what I thought at**
 11 **the time.**
 12 Q. But you didn't actually see with your own
 13 eyes whether somebody actually hosed them down or
 14 cooled them down with water?
 15 A. **I did not see that. No.**
 16 Q. Did you actually see with your own eyes
 17 anyone getting hosed down or cooled down with water
 18 other than yourself?
 19 A. **Only myself.**
 20 Q. So would it be fair -- and tell me if it
 21 is not -- that based upon their clothing being wet,
 22 it could have been both from somebody cooling them
 23 down with the hose or a bucket of water, or it
 24 could have also been them being drenched from the
 25 sweat and the steam, like yourself?

1 A. **I have no idea.**
 2 Q. Now, let's talk about this AED, the
 3 automated external defibrillator. Tell me if I'm
 4 incorrect about this. It's a portable electronic
 5 device; correct?
 6 A. **Yes.**
 7 Q. And it's a device that will help you
 8 diagnose a potential life-threatening cardiac
 9 arrhythmia?
 10 A. **Correct.**
 11 Q. Tell the jury what a cardiac arrhythmia
 12 is.
 13 A. **When your heart beats it's, due to**
 14 **electrical impulses. So arrhythmia, basically,**
 15 **means it's -- arrhythmia -- it's not beating at its**
 16 **normal rhythm usually because the electrical**
 17 **impulses are doing something they're not supposed**
 18 **to do.**
 19 Q. So it's an abnormal heart rhythm?
 20 A. **Yes.**
 21 Q. Now, you said yesterday that a
 22 defibrillator can shock the heart to reestablish an
 23 effective rhythm?
 24 A. **In some rhythm. Yes.**
 25 Q. I want to talk about that. You said some

1 rhythm. Now, can you -- so when you say it can
 2 only work in "some rhythm," it has to be what
 3 doctors call a "shockable cardiac arrhythmia";
 4 correct?
 5 A. **That's correct.**
 6 Q. Can you shock an asystolic heart?
 7 A. **No.**
 8 Q. An asystolic heart is a flat line;
 9 correct?
 10 A. **Correct.**
 11 Q. And you had, at the moment you arrived
 12 and assessed Kirby Brown and James Shore, believed
 13 them to be asystolic?
 14 A. **Yes.**
 15 Q. Mr. Hughes also asked you some questions
 16 about a phrase called "the golden hour"?
 17 A. **Yes.**
 18 Q. And if I understand from your testimony,
 19 the golden hour is a reference to some period of
 20 time in which a patient should get medical
 21 attention that would be critical to survival. Did
 22 I get that right?
 23 A. **Yes. It's generally associated with a**
 24 **trauma. That comes from trauma.**
 25 Q. And I do want to ask you about that. Did

1 I at least get the general concept right?
 2 A. **Yes.**
 3 Q. It's a phrase in emergency medicine;
 4 correct?
 5 A. **Yes. Particularly with first responders.**
 6 Q. And you just indicated right now a
 7 very -- you clarified something. And I want to ask
 8 you about that. You said it generally relates to
 9 trauma; correct?
 10 A. **Correct.**
 11 Q. If understand this concept, it actually
 12 originated with a military surgeon. Do you know
 13 that?
 14 A. **I vaguely recall that. Yes.**
 15 Q. Okay. And so it's a concept that comes
 16 from wartime wounds and injuries; correct?
 17 A. **I don't know that for a fact, but sounds**
 18 **plausible. Yes.**
 19 Q. When you say "trauma," you're talking
 20 about wounds and injuries; correct?
 21 A. **Yes. Like car accident and blunt trauma.**
 22 Q. Blunt trauma. So it's a situation where
 23 you've got someone who has sustained trauma and
 24 typically they're bleeding?
 25 A. **Yes.**

1 Q. And you got to stop the bleeding and get
2 them some medical attention, and that's what's
3 referred to as the golden hour, the period of time
4 to get somebody who has sustained a traumatic
5 injury medical attention to increase survival rate;
6 correct?

7 A. Yes.

8 Q. In this situation you didn't have someone
9 suffering a traumatic injury like a wound or a
10 trauma from -- a blunt-force trauma from a car
11 accident; correct?

12 A. Correct.

13 Q. It's just really not that applicable, is
14 it?

15 A. I don't know how to answer that question.

16 Q. You're not sure one way or the other?

17 A. Yes, because the golden hour is a
18 concept; right? It just means get help
19 immediately.

20 Q. Okay. I want to talk about that.
21 Obviously commonsense says the sooner the better?

22 A. Correct.

23 Q. Delays are undesirable?

24 A. Correct.

25 Q. What I want to try and make sure is when

1 we say "the golden hour," you're not saying that it
2 literally means you have less than 60 minutes to
3 survive.

4 A. No.

5 Q. You're not saying that it literally means
6 that there is just this one narrow critical
7 one-hour period; correct?

8 A. That's correct.

9 Q. It's a concept now in emergency medicine
10 that simply says what common sense dictates, and
11 that is the sooner the better?

12 A. Yes. To my knowledge, that phrase came
13 about more in the time before we had the EMS that
14 we have today. I live in a city so I think of EMS
15 as being generally available very quickly. There
16 was a time in our country's history where we didn't
17 have trauma centers or ERs made for those kind of
18 things.

19 Q. Yeah.

20 A. So I guess I think of that being
21 something when they first discovered the concept,
22 that's where the phrase came from.

23 Q. So at the time you saw Kirby Brown and
24 James Shore and they were asystolic, was there
25 anything, in your medical opinion, that could have

1 been done in that moment?

2 A. No. When someone is in cardiac arrest,
3 the best you can do is attempt CPR. And it's often
4 unsuccessful.

5 Q. The time period in which you should get
6 medical help -- and I may be wrong about this,
7 Doctor. Wouldn't it depend also on what the cause
8 of the condition is?

9 A. I would say it would be more in the state
10 of the patient at the time. It could be related to
11 the cause, but there is a huge spectrum of illness
12 that could really vary depending on the illness,
13 the symptoms and the patient.

14 Q. So it could vary. Let me ask you this:
15 If it was a heat illness, like heat stroke, that
16 would be different than if it was a poison or a
17 toxin in terms of the time of intervention and the
18 type of intervention?

19 A. Yes.

20 Q. And you, again, told this jury at the
21 moment you saw Kirby Brown and James Shore, you
22 didn't know what caused their condition; correct?

23 A. That's correct.

24 Q. But you knew, because you had just been
25 in there, that these folks came out of a heated --

1 an excessive heated environment like a sweat lodge
2 ceremony?

3 A. Correct.

4 Q. Why didn't you just assume at that moment
5 that they died of heat stroke?

6 A. You know, I think because particularly --
7 you know -- in that moment all you're concerned
8 about is doing what needs to happen emergently,
9 which is CPR. So at the time I was more focused on
10 performing that.

11 I did have the thought as I was
12 performing CPR on Kirby that this was someone who
13 looked younger than I did, was in obviously better
14 physical health than I was. And so when you looked
15 at the people affected, to me it was like -- you
16 know -- if this was all heat related, why was it so
17 easy for me?

18 Because, in my mind, I don't like to be
19 hot. And I wasn't really looking forward to this.
20 Yet I had no problem whatsoever. So there was a
21 sort of intellectual disconnect for me -- you
22 know -- as I'm sitting here thinking this could be
23 me laying here. Why isn't it?

24 Q. It puzzled you?

25 A. Definitely.

1 Q. What you're telling this jury is with
2 regard to heat illnesses like heat stroke, there
3 are certain risk factors; correct?

4 A. **There are general risk factors. Yes.**

5 Q. You described a couple here. You're
6 saying somebody who is generally not fit, perhaps a
7 little unhealthy?

8 A. **Obese.**

9 Q. Those are risk factors?

10 A. **Yes.**

11 Q. Okay. So somebody who is in good shape,
12 is fit, thin, is not going to be as much of a risk
13 factor for heat stroke?

14 A. **You would assume they would have a better
15 tolerance. Correct.**

16 Q. So you were assessing the scene. You're
17 triaging it. You have this spot as a doctor, as a
18 scientist. This seems puzzling to you?

19 A. **Yes.**

20 Q. So you didn't at that moment assume it
21 was heat stroke. And I'd ask you this: Would that
22 be a good way to come to a conclusion is just
23 assume because you had a heated environment that
24 it's heat stroke?

25 A. **No.**

1 Q. You would need to know more?

2 A. **Yes.**

3 Q. What else would you need to know?

4 A. **Like, in this particular case?**

5 Q. **Yes.**

6 A. **So -- you know -- it would be standard
7 procedure, in my opinion, if I was trying to
8 diagnose anybody with a disease. I would look at
9 the symptoms they had. In this case, again, I
10 would go back to the fact that you're not
11 breathing. That's the only symptom you're
12 concerned about is resuscitating from that.**

13 **Had they recovered from that, and you're
14 looking for a cause -- you know -- I would consider
15 heat, toxins, preexisting illness, what kind of
16 medications they're on, their general health state.
17 They would probably take blood work to determine --
18 you know -- their fluid state. I don't know if
19 that's what you're looking for.**

20 Q. No. I'm asking -- I'm not the expert
21 here. So you would ask a series of questions
22 including what was their health conditions before;
23 correct?

24 A. **You would take a thorough medical
25 history.**

1 Q. Yes. You would do sort of what I would
2 consider an epistudy; right? An epidemiological
3 study to find out what they've eaten, what they'd
4 been exposed to; perhaps?

5 A. **Depending on -- typically in a medical
6 history, we start with the symptom itself. What
7 symptoms you're experiencing, the time frame.**

8 Q. Yeah.

9 A. **And then from that you take clues that,
10 based on your medical knowledge, will direct you
11 one way or not, one way or another. So depending
12 on where you ended up, then those might be
13 questions I would ask. It would depend on their
14 answers how I would do that.**

15 **If you don't have that available, if the
16 person -- you know -- cannot converse or doesn't
17 know those questions, sometimes you have to order
18 more tests to sort of account for the fact that
19 you -- they can't tell you or they're not sure.**

20 Q. When you say "tests," you're talking
21 about toxicological screens for toxins; right?

22 A. **Yes.**

23 Q. Lab tests for that; correct?

24 A. **And lab tests just for general chemistry
25 studies for internal metabolic processes.**

1 Q. You would want to do chemistries to see
2 if the person is hydrated or not; correct?

3 A. **Blood sugar and --**

4 Q. What I'm trying to understand,
5 Dr. Armstrong, you were there. You had your hands
6 on Kirby Brown and you had your hands on James
7 Shore. But you did not as a doctor, as a
8 scientist, just make the assumption that it was
9 heat stroke because there was a sweat lodge?

10 A. **That's correct.**

11 Q. You talked about some symptoms with
12 Mr. Hughes, about heat illnesses and heat stroke.
13 You already told us on the milder end there is heat
14 exhaustion and on the extreme end there is heat
15 stroke; correct?

16 A. **Correct.**

17 Q. And generally speaking, with heat stroke
18 there are two components that doctors look at to
19 diagnose. And that is an elevated core
20 temperature; correct?

21 A. **Correct.**

22 Q. And do you know whether or not that
23 threshold is 104, 105 or 106?

24 A. **I know that 106 is generally
25 considered -- you know -- extremely -- that's**

1 usually associated with mortality and also bad
2 outcome. So with heat stroke, like, the 106, in my
3 mind, is in terms of bad outcome.

4 Q. And another component is dehydration?

5 A. Often people who are experiencing heat
6 exhaustion are dehydrated. Yes.

7 Q. And so when you say "often," let me try
8 and understand. In the cases where you wouldn't
9 necessarily see dehydration, you're talking about
10 folks who are elderly and infirm; correct?

11 A. There can be other causes of heat-related
12 illness because of other comorbidities. If they
13 have other illnesses that affect their ability. I
14 don't know, because I'm not an expert, of those
15 diseases.

16 In relationship to heat, what they would
17 show in terms of signs or symptoms that could be
18 abnormal, I have no idea.

19 Q. When you use the word "comorbidity," what
20 you're talking about is an underlying health
21 condition; correct?

22 A. Yes.

23 Q. Let me try to get example to make sure
24 we're on the same page. If you have someone who
25 is -- you know -- in their 80s and they have a

1 heart condition, their body can be stressed by heat
2 far more than somebody who is young without any
3 underlying condition?

4 A. True. Yes.

5 Q. And in that incident, in that situation,
6 the 80-year-old with the heart condition could die
7 of heat stroke from the heat stress without having
8 to go through the process of dehydration; correct?

9 A. I don't know the answer to that question.
10 It could go either way.

11 Q. Let me just ask this: The state didn't
12 ask you to come in and testify as an expert;
13 correct?

14 A. No.

15 Q. And so we're giving you these questions
16 because we're taking advantage of the fact that you
17 are a doctor. But you're not an expert in heat
18 stroke?

19 A. I am not.

20 Q. Fair enough. Let me ask you these
21 following questions. And I'm almost done, Doctor.

22 You talked to Mr. Hughes that altered
23 mental status is, in your word, was "hallmark" at
24 the far end of the spectrum for heat stroke.

25 Correct?

1 A. I should probably clarify that when you
2 repeat that back. Is a sustained altered
3 consciousness.

4 So, for example, if I use Amy as an
5 example, although I'd be concerned if someone
6 passed out due to heat; if they were taken to a
7 cool environment and immediately recovered, which I
8 have no idea if she did. But as an example, if
9 somebody immediately recovered and -- you know --
10 they were feeling fine, we should probably check
11 their blood pressure and we should monitor them.
12 But it's, basically, people who you cannot -- like
13 in the example of Sidney. Where I could not get
14 her to respond. She could not very quickly
15 reobtain her normal -- her apparent normal state of
16 consciousness.

17 Q. So someone fainting -- and I think the
18 medical term is "syncope"?

19 A. Those two words are often used
20 interchangeably. Probably I think of syncope being
21 physically diagnosed and having a cause that
22 relates to syncope. "Fainting" is the lay term.
23 And a lot of people tell me they faint and they
24 never faint again, and I find no medical cause.

25 So I always relate that to being such a

1 vast spectrum that -- there are different people
2 who respond to different stimuli who -- for
3 example, there is something called a "vasovagal
4 reaction," which people -- some people,
5 particularly young, healthy, skinny people -- they
6 stand up too fast and they may pass back out or
7 feel that. So different mechanisms sort of go to
8 the label.

9 Q. Okay. I don't want to take you too far
10 afield because I want to respect that you're not
11 here as an expert for heat stroke. Thank you for
12 the clarification.

13 You say it has to be sustained altered
14 mental status; correct?

15 A. Yes. That's my opinion.

16 Q. That is a sign and a symptom of heat
17 stroke; correct?

18 A. It can be. Yes.

19 Q. It is also a sign and a symptom of a
20 toxidrome; correct?

21 A. It can be.

22 Q. And a toxidrome, so the jury knows, is a
23 toxic poisoning of the body; correct?

24 A. Yes.

25 Q. So if you have altered mental status, it

1 could be one or the other?

2 **A. It could be one of several things. Yes.**

3 **Q.** Nausea, Mr. Hughes asked you about, can
4 be a sign of heat illness or heat stroke; correct?

5 **A. I think of it more early in the course.**
6 **Because typically by the time you get to heat**
7 **stroke, it's usually the more catastrophic signs**
8 **that we spoke of.**

9 **Q.** So nausea is more a sign of heat
10 exhaustion?

11 **A. Typically.**

12 **Q.** Nausea is also a sign of toxidrome?

13 **A. Can be. Yes.**

14 **Q.** Vomiting, you said, is a sign of heat
15 exhaustion?

16 **A. Can be.**

17 **Q.** Vomiting can also be a sign of toxidrome?

18 **A. Yes, it can.**

19 **Q.** So you're looking at this constellation
20 of signs and symptoms, and you as a doctor, as a
21 scientist, would ask a whole lot more questions
22 than was there a sweat lodge?

23 **A. Definitely.**

24 **Q.** The foaming at the mouth. You indicated,
25 now, you saw Sidney Spencer foaming not

1 significantly but foaming at the mouth. No one
2 made you aware, I assume, that anyone else at the
3 scene was foaming at the mouth; correct?

4 **A. That's correct.**

5 **Q.** Foaming at the mouth, you said, was a
6 sign of pulmonary edema, which is what in the
7 lungs?

8 **A. Just fluid. Yes.**

9 **Q.** And foaming at the mouth is a sign of
10 toxic poisoning, is it not?

11 **A. I'm sure it can be.**

12 **Q.** Miosis is pinpoint pupils.

13 **A. Yes.**

14 **Q.** Miosis is a sign of a toxidrome; correct?

15 **A. It can be for some toxins. Yes.**

16 **Q.** I guess what I'm trying to understand
17 with you, Doctor, again, is that there is a lot
18 going on here where you would have to ask a lot
19 more questions than is there -- or was there a
20 sweat lodge ceremony?

21 **A. Correct.**

22 **Q.** Okay. Thank you.

23 I have nothing further. Thank you, Your
24 Honor.

25 THE COURT: Thank you, Ms. Do.

1 Ladies and gentlemen, we will take the
2 morning recess at this time. Please remember the
3 admonition. Please be back in the jury room at 10
4 after 11:00. That's about 20 minutes.

5 Dr. Armstrong, you're excused for recess
6 too. Remember the rule of exclusion I discussed
7 with you yesterday.

8 We're in recess. Thank you.

9 (Recess.)

10 THE COURT: The record will show the presence
11 of the defendant, Mr. Ray, the attorneys, and the
12 jury. The witness has returned to the witness
13 stand.

14 Mr. Hughes, please continue.

15 MR. HUGHES: Thank you.

16 REDIRECT EXAMINATION

17 BY MR. HUGHES:

18 **Q.** Doctor, I'm going to ask a few questions
19 about some of the things Ms. Do had brought up with
20 you. You mentioned that you had triaged medical
21 emergencies in your past. Can you tell us what you
22 mean by "triaging a medical emergency."

23 **A. Basically, assessing if there is more**
24 **than one victim or person who is ill, who would go**
25 **first, based on the severity of their illness.**

1 **Q.** Is that something that you actually did
2 at the Spiritual Warrior event?

3 **A. Yes. In some capacity. Because the**
4 **second thing I came upon was the most life**
5 **threatening. I stayed there until help arrived**
6 **with that.**

7 **Q.** Ms. Do asked you some questions about
8 your prior experience in a sauna, and you said
9 that, to me, a sweat lodge is not the same thing as
10 a sauna. Do you remember that? Can you tell me
11 what you meant by, to you it wasn't the same thing?

12 **A. Well, first of all, the temperature**
13 **seemed different than between a sweat lodge and a**
14 **sauna. Number one, like I said, to me -- first of**
15 **all, a sweat lodge is -- that sweat lodge was**
16 **bigger than most saunas or steam rooms I've been**
17 **in. And so they had, because the way the ceiling**
18 **went, they were a little bigger. I didn't feel**
19 **like I was in a small space, and the air quality in**
20 **the sweat lodge seemed better than the air quality**
21 **for me personally when I've been in saunas and**
22 **steam rooms.**

23 **Steam rooms, obviously, are just really**
24 **like you can't really even see when you walk in.**
25 **It's hard to see and hard to sort of see through**

1 the steam, number one.

2 And for saunas it just feels -- just
3 feels hot. When you breathe the air, the air feels
4 hot.

5 Q. And can you tell us, then, if you can,
6 how the sweat lodge was different from that
7 experience.

8 A. I didn't have pain in breathing in a
9 sweat lodge like I have typically experienced
10 with -- you know -- more than a few breaths in a
11 sauna. In terms of -- and this is going to sound
12 weird. I seemed sweaty -- again, I felt like I
13 instantly started sweating, but except for -- like
14 when the water was poured on, it would get -- you
15 know -- it would feel hotter for a period of time,
16 for instance, in that short period of time. And
17 then all I really remember is being sweaty. So
18 there was much more temperature variation to me in
19 the sweat lodge than there was in a sauna or steam
20 room that I've been in.

21 Also where I was sitting, when the flap
22 was open, I could feel some air. So that went with
23 the variation in temperature I felt in that
24 environment versus a pretty consistent environment
25 of a steam room or sauna.

1 Q. Did that air from the open flap bring you
2 relief when it was open?

3 A. Little bit. Yes. Felt better.

4 Q. You were asked a question about on this
5 chart here, Exhibit 414. This is the exhibit
6 showing sort of the little, simple diagram of the
7 sweat lodge. You were asked some questions, as you
8 were leaving if you noticed anybody else in
9 distress. Do you recall that?

10 A. Yes.

11 Q. And as you left, you left from about this
12 location; is that correct?

13 A. Little bit to the left of that. But yes.

14 Q. Somewhere in this area?

15 A. Yes.

16 Q. As you left, you went around in this
17 direction and out?

18 A. Correct.

19 Q. Now, when you were doing that, did you
20 notice at all anybody laying down or appearing to
21 be unconscious in that area that I've marked?

22 A. I didn't. But as I testified yesterday,
23 I had someone to my left. So with my height, if I
24 moved as close to the pit as possible, I pretty
25 much can stand upright, so it's much easier to

1 walk. So I was standing literally to the edge of
2 the pit and I was looking at it the entire time to
3 make sure I did not misstep.

4 Q. Okay. And you -- in response to another
5 question, you mentioned that during the ceremony
6 you were asked if you had at times pulled your
7 shirt up over your eyes. Do you recall that?

8 A. Yes.

9 Q. And then you said something which I
10 should have asked you yesterday. You said,
11 generally I kept my eyes closed.

12 Can you tell us, during the rounds of the
13 sweat lodge ceremony, how often would you reckon
14 your eyes were open as opposed to being closed
15 while the actual ceremony was going on?

16 A. So while -- while -- in between rounds
17 too? I'm confused.

18 Q. Let's break it down. During a round once
19 the flap closed, until the flap opened, was there
20 any sort of a consistency or pattern as to whether
21 you would have your eyes open or closed?

22 A. So for the initial round I was sitting up
23 and I was facing the pit. And they were pouring
24 the water on the first time. During that round I
25 kept my eyes open for the majority of it, maybe the

1 first half of that round.

2 But when I started lying down, I would
3 have my eyes closed the entire time from when I
4 laid down to when I sat up. If the flap was open,
5 I sat up. I generally would open my eyes for at
6 least part of time. Again, the light coming from
7 the flap was a little disconcerting because it was
8 so bright and it had been so dark.

9 So, in general, other than to check on
10 the person on my left and have a brief conversation
11 with her -- I would do that in between rounds.
12 Except for the one that ended up being the time
13 before the last, which I did not sit up. So I did
14 not open my eyes then.

15 Q. Turning to another subject, Ms. Do asked
16 you if you knew about whether toxins would have an
17 odor or if you could have smelled them inside the
18 sweat lodge. Do you know -- if there is a deadly
19 toxin in the air in that sweat lodge, would you
20 expect that everybody would have gotten sick from
21 it?

22 A. If it was in the air? Then I would
23 assume majority would. Yes.

24 Q. Even if it was odorless?

25 A. Yes.

1 Q. You also mentioned that as the event went
2 by you weren't looking around as much. Can you
3 tell us what you meant by that.

4 A. Well, so initially I was sitting up in
5 between each round. As it went on -- you know --
6 it was just more comfortable to lay on the ground.
7 And, like I said, I didn't have a good perception
8 of time. But I could tell that -- you know -- I
9 was hoping we were getting near the end.
10 It was just, like, it was more effort. I
11 was exhausted by then. It was more effort to sit
12 up than to lay down. Laying down I thought would
13 conserve my energy.

14 In my own mind, I -- you know -- was
15 thinking of a lot of things, had a little mantra
16 going in my mind. So at that point I was sort of
17 consumed with that. I didn't bother to sit up.

18 Q. I think you told Ms. Do, at the time at
19 least, it felt to you that the entire ceremony was
20 about a half hour, 30 minutes long?

21 A. I would have guessed that. Yes.

22 Q. When you were laying down, were you face
23 up or face down?

24 A. No, face down majority of the time.

25 Q. Ms. Do asked you about Lou burning his

1 arm. Did you get a chance after he burned his arm
2 to take a look at his arm?

3 A. I never saw his wound. No.

4 Q. And then you were asked whether you knew
5 if Dream Team members or James Ray employees were
6 stationed at the cardinal directions inside the
7 lodge. Do you know, if indeed they were, whether
8 any of them left at any point during the sweat
9 lodge ceremony?

10 A. I do not know if they left.

11 Q. Did you ever hear -- do you know who Josh
12 Fredrickson was?

13 A. Yes.

14 Q. Did you ever hear Josh Fredrickson fall
15 and hurt himself?

16 A. No.

17 Q. Did you ever hear him leave?

18 A. No. Not that I know of.

19 Q. Did you ever hear or see him dragging
20 anybody out of the sweat lodge?

21 A. No.

22 Q. Ms. Do mentioned a couple times that heat
23 exhaustion is at the low end of the spectrum of
24 heat illnesses. Are heat illnesses on a spectrum?

25 A. Yes.

1 Q. What would you consider the extreme end
2 of the spectrum of heat illnesses?

3 A. So, heat stroke, and then the very
4 extreme would be death.

5 Q. Okay. And what would be on the other end
6 of that?

7 A. In terms of, like, the mildest form of
8 heat illness?

9 Q. What would you consider to be the mildest
10 place on that spectrum of heat-related illness?

11 A. Like a rash.

12 Q. Like a heat rash or something?

13 A. Yes.

14 Q. You mentioned heat exhaustion. What
15 exactly is heat exhaustion?

16 A. Basically, it's the first -- in terms of
17 the heat-related illness, you mentioned cramps and
18 rashes. But heat exhaustion I think is where
19 someone is actually impaired due to heat. In some
20 way they're impaired.

21 Q. And then what's the next illness up on
22 the level from heat exhaustion on that spectrum of
23 heat-related illnesses?

24 A. I don't know that there is a formal
25 criteria. But I guess -- in my world I think of

1 heat exhaustion sort of being -- you know -- there
2 can be milder forms and more severe forms. If you
3 go to the severe end, the next step is heat stroke.

4 Q. You were asked some questions about
5 the -- I think you called it "frothy sputum" on
6 Sidney, the foam around her mouth?

7 A. Yes.

8 Q. You said it was a small amount. Can
9 you -- is there any way you can characterize or
10 tell us what you mean by "small amount"?

11 A. In terms of the volume that it took up on
12 her face, it was probably the size of two silver
13 dollars, like, in width. I don't have a great way
14 to characterize sputum in terms of volume.

15 Q. And you mentioned that one of the
16 possible causes is pulmonary edema?

17 A. Correct.

18 Q. Is pulmonary edema something that can be
19 caused by heat stroke?

20 A. I typically think of that as being a
21 complication to heart failure of some sort. And
22 extreme heat stroke can definitely cause heart
23 failure. So you can see pulmonary edema as a
24 result. I don't know if it could in isolation
25 without heart failure.

1 Q. And the pulmonary edema. Is that when
2 fluid actually gets into somebody's lungs?
3 A. Yes.
4 Q. Ms. Do asked you about whether someone's
5 pupils being pinpoint -- is the word "miosis"?
6 A. Correct.
7 Q. She asked if that could be a sign of
8 poisoning. Could that also be caused by heat
9 stroke?
10 A. Not to my knowledge. As a symptom -- the
11 problem is heat stroke is a term that applies to
12 lots of symptoms. So if you had some kind of
13 neurologic collapse, it could be, but I don't know
14 for a fact.
15 Q. In other words, someone who's suffering
16 from heat stroke, is it possible for their brain to
17 be damaged by the heat?
18 A. Yes.
19 Q. And is that one of the mechanisms that
20 actually leads to a person moving into heat stroke?
21 A. I do not know the answer to that
22 question.
23 Q. Okay. You were asked some questions
24 about whether, in your opinion, Mr. Shore was, at
25 least in the medical term, deceased at the time you

1 were performing CPR on him. Do you recall that?
2 A. Yes.
3 Q. Do you know whether -- your opinion was
4 he was, under the medical definition, deceased at
5 that point; is that correct?
6 A. I don't know that I know -- this is odd.
7 I don't know that I know the medical decision
8 deceased. I mean, if you don't have a pulse and
9 you have no heart rate, in theory you're not alive
10 at that point. So yes; correct.
11 Q. Based on your medical background and
12 training, is that still a condition that with
13 proper care by EMS and a hospital a person can move
14 past and become alive again?
15 A. In some cases, yes.
16 Q. And is part of the factors depend on what
17 state their heart is in at that point?
18 A. That can influence it. Yes.
19 Q. You were asked, and I think you said that
20 you couldn't tell what exactly -- whether there was
21 a rhythm or not to his heart; is that correct?
22 A. Well, the heart can actually have
23 electrical activity without having a functional
24 heartbeat. You would only be able to detect that
25 with a monitor.

1 Q. Would a monitor that could detect that --
2 is that something that would be on one of those
3 AEDs?
4 A. Generally, yes.
5 Q. And if you had an AED, could you
6 determine, using that device, whether there is some
7 of that electrical activity you were talking about?
8 A. Yes.
9 Q. If there is the electrical activity of
10 the right kind, would that AED then -- could that
11 be used to restore a rhythm to the heart?
12 A. Yes.
13 Q. Would that be the same situation for
14 Kirby Brown also?
15 A. Yes.
16 Q. In other words, if you had an AED, you
17 could have hooked it up to Kirby and determined if
18 there was that electrical activity in the heart?
19 A. Yes.
20 Q. Without a monitor is there any way that
21 you, a doctor, or anybody else, could just look at
22 a patient or touch them and figure out what the
23 activity was in the heart?
24 A. No.
25 Q. Did you see any of the foam or the frothy

1 sputum on James Shores' mouth?
2 A. I did not. No.
3 Q. Did you see any on Kirby Brown's mouth?
4 A. Not that I know of.
5 Q. You mentioned you were assessing ABCs on
6 James Shore and Kirby Brown; correct?
7 A. Correct.
8 Q. And is part of that process making sure
9 that their head and mouth is positioned right for
10 CPR?
11 A. Correct.
12 Q. Is that something you would have expected
13 to see if it was around their mouth?
14 A. CPR was in progress when I arrived; so
15 therefore, they had already been receiving
16 mouth-to-mouth resuscitation. So I'd assume if
17 there was something there, it would probably be
18 somewhat affected by receiving CPR as well.
19 Q. Okay. Would this frothy sputum -- would
20 that continue to come out as somebody laid there?
21 If rescue breathing and CPR started, would you
22 expect that it stop coming out at that point?
23 A. I guess it would depend on the cause. I
24 have never performed CPR on someone who had frothy
25 sputum that continued. So I don't know.

1 Q. Other than the AED, would an oxygen
2 bottle on scene or rebreather mask have helped
3 either Kirby -- would that oxygen bottle or
4 rebreather mask have helped the treatment of Kirby
5 or James or could it have?

6 MS. DO: Objection. Relevance, Your Honor.

7 THE COURT: Overruled.

8 You may answer that.

9 THE WITNESS: Can you reread the question.
10 Now I forgot.

11 Q. BY MR. HUGHES: Other than the AED, could
12 an oxygen bottle with a rebreather mask -- could
13 that have been something that would have helped
14 treat Kirby and James at the scene?

15 A. So, it would have been easier to use than
16 doing manual mouth to mouth. I'm not sure it would
17 have made a difference in their current state.

18 Q. What's the point or the purpose of the
19 rescue breathing, the breathing that's going on
20 when someone else is doing chest compressions?

21 A. You're trying to -- even though it's your
22 exhaled air that you're breathing into their lungs,
23 so that provides the oxygen because they're not
24 breathing on their own that would be circulated
25 when you're pumping the heart.

1 Q. Do you know how effective that is at
2 getting into a person's body?

3 A. It's not very.

4 Q. Would you expect the effective amount of
5 oxygen that you could get into a patient's body to
6 increase if you're pumping oxygen from an oxygen
7 bottle?

8 A. Yes.

9 Q. In fact, is that something that, in your
10 experience, typically paramedics or EMS set up on a
11 person who is having CPR performed on them?

12 A. I've never been in the field with a first
13 responder, so I don't know.

14 Q. How about in a hospital environment?

15 A. In the hospital we would always use a
16 bag. Depending on the situation, if you were near
17 oxygen and it was available, they would use it.
18 There are certainly cases where you're in a hallway
19 or something where you had an Ambu Bag and it's
20 not --

21 Q. And at that point do you try to move the
22 patient to a place where there is oxygen available?

23 A. Generally, yes.

24 Q. Ms. Do asked whether the golden hour
25 pertained to people who had had traumatic injuries

1 like a car crash or something like that. Does the
2 survivability of a patient such as James Shore,
3 which you saw at the scene -- does that -- does the
4 possibility of survivability increase if you
5 decrease the amount of time from the injury to the
6 time they're seen in the hospital?

7 A. Depending on the cause, yes.

8 Q. How about in the case of, for example,
9 Mr. Shore, someone whose heart had actually
10 stopped? Would you expect their survivability
11 could increase if you could get them to the
12 hospital sooner as opposed to taking a longer time?

13 A. That -- like I say, it doesn't hurt. I
14 don't know why his heart stopped. I only saw him
15 in the state where his heart was stopped.

16 Q. Okay. Why do you say it wouldn't hurt?

17 A. Because obviously the sooner you can get
18 to medical equipment, professionals, et cetera,
19 then the better chance of an outcome generally.
20 That also could depend on what trauma you had or
21 what your illness was. There are some things even
22 immediate medical care can't reverse.

23 Q. Ms. Do asked you, or I think you answered
24 in response to a question, that there may be risk
25 factors that could affect whether someone could

1 succumb to heat stroke or not. Do you recall that?

2 A. Yes.

3 Q. And you mentioned that -- you said you
4 assumed that their fitness or their physical
5 condition would but that you said you're not an
6 expert on that. Do you remember that?

7 A. Yes.

8 Q. Do you know whether a person who is
9 suffering from severe lack of sleep, whether that
10 could have any sort of an effect?

11 A. I do not know.

12 Q. Ms. Do asked you some questions about
13 what would you want to know to determine what James
14 and Kirby were suffering from. Do you remember
15 that?

16 A. Yes.

17 Q. Would one of the things you'd wanted to
18 know -- would that be to review the actual autopsy
19 report?

20 A. Yes.

21 Q. Ms. Do asked if you'd expect to see
22 dehydration in someone suffering from heat stroke.
23 Do you recall that?

24 A. Yes.

25 Q. If you were working in, let's say, your

1 urgent care clinic and someone is brought in from
2 Angel Valley and it takes, let's say, 30 minutes
3 for them get there and they've had an I.V. or maybe
4 two I.V.s in them, would you still expect to see
5 severe or marked amounts of dehydration?
6 **A. That would vary. I would assume not.**
7 **But it would depend on how dehydrated they were to**
8 **begin and the fluid resuscitation that had taken**
9 **place.**

10 **Q.** Could the fact that they receive I.V.
11 therapy during that half hour or so of
12 transporting -- could that make a difference in the
13 amount of dehydration you would see once they
14 arrived at your office?

15 **A. I would assume. Yes.**

16 **Q.** And Ms. Do asked about the 106-degree
17 temperature; do you remember that?

18 **A. Yes.**

19 **Q.** Do you know what the clinical diagnosis
20 is of what the temperature is if it's 104 or 106?

21 **A. I do not.**

22 **Q.** And then does the time when the
23 temperature is taken -- is that important? In
24 other words, is there a temperature of the person
25 at the time they've suffered the heat illness -- is

1 that relevant? Or is the time when they arrive at
2 the hospital -- say, it's an hour later. Does that
3 make a difference?

4 **A. One reason the literature doesn't have**
5 **exact temperature measures is that obviously as a**
6 **medical professional who is in the hospital setting**
7 **or an office setting, you're generally seeing**
8 **someone after a period of time. So their**
9 **temperature is going to change most likely during**
10 **that time.**

11 **So -- you know -- it just depends on when**
12 **you saw them. I don't see people in the field.**
13 **And in the field, like in this circumstance, I**
14 **would have no way to measure their temperature. So**
15 **I don't know.**

16 **Q.** Would a patient who is cooled down with,
17 say, with a bucket of water that night after the
18 sweat lodge -- would you expect their temperature
19 to start dropping from that?

20 **A. Yes.**

21 **Q.** Thank you, Doctor. I don't have any
22 other questions for you.

23 **THE COURT:** Thank you, Mr. Hughes.

24 **Ladies and gentlemen, are there questions**
25 **for this witness?**

1 I do have some questions.

2 **Dr. Armstrong, I'll ask that you please**
3 **remain seated while I look at the juror questions.**
4 **Counsel, please approach.**
5 **(Sidebar conference.)**

6 **Question one to the attorneys. I have**
7 **question two. Any objections?**

8 **MS. DO:** None.

9 **MR. HUGHES:** No.

10 **THE COURT:** Question one?

11 **MS. DO:** None.

12 **MR. HUGHES:** No objection.

13 **THE COURT:** Both questions will be asked
14 without objection.

15 **MS. POLK:** While we're here, the next witness
16 wants to do the hearing to appear on camera.

17 **THE COURT:** Okay. We'll take the recess. Is
18 she outside?

19 **MS. POLK:** She's outside. If you want to do
20 the short hearing before noon.

21 **THE COURT:** Let's do that.

22 **(End of sidebar conference.)**

23 **THE COURT:** Dr. Armstrong, I will ask the
24 questions and the attorneys may want to follow up.
25 There are actually several questions on the first

1 page here.

2 **When Amy was removed, was the flap open**
3 **or closed?**

4 **THE WITNESS:** So the flap was open. And I
5 recognized it as Amy just as she was going out the
6 flap. That's all I can see, that it was her.

7 **THE COURT:** Follow up, Mr. Hughes?

8 **FURTHER REDIRECT EXAMINATION**
9 **BY MR. HUGHES:**

10 **Q.** Doctor, do you remember which round that
11 was?

12 **A. I have no idea.**

13 **Q.** Thank you.

14 **I don't have any other questions.**

15 **THE COURT:** Ms. Do.

16 **MS. DO:** Thank you.

17 **RECROSS EXAMINATION**
18 **BY MS. DO:**

19 **Q.** I believe I asked you this earlier. Let
20 me just clarify. When you heard that Amy was
21 passed out and people said let's get her help, you
22 never heard Mr. Ray say we're going to wait until
23 the next round, did you?

24 **A. No.**

25 **Q.** Thank you. Nothing further.

1 THE COURT: When you became aware of Amy being
2 passed out, was the flap open?

3 THE WITNESS: It was closed when people said
4 she needed help, I believe.

5 THE COURT: I'll ask it in conjunction because
6 the question is kind of in two parts. When you
7 became aware of Amy being passed out, was the flap
8 open; or did the people helping Amy out need to
9 wait for the end of the round to remove her?

10 THE WITNESS: So my recollection was that
11 somebody said, Amy needed help. At the same time,
12 the flap was being opened and they took her out.
13 It seemed to happen all in conjunction at the same
14 time.

15 THE COURT: Follow up, Mr. Hughes?

16 FURTHER REDIRECT EXAMINATION

17 BY MR. HUGHES:

18 Q. Did that appear to be at the end of the
19 round?

20 A. **I assume so. Yes.**

21 Q. Okay. Thank you.

22 THE COURT: Ms. Do.

23 FURTHER RECROSS-EXAMINATION

24 BY MS. DO:

25 Q. Was there any delay between the time you

1 heard Amy is passed out, people saying she needs to
2 get out or needs help between -- that's so poorly
3 phased.

4 Was there any delay between the time you
5 heard Amy passed out to the time she was actually
6 taken out?

7 A. **Just enough time for people to go and**
8 **physically do it.**

9 Q. Correct.

10 A. **They said it, the people got her, and she**
11 **was removed all within a short span.**

12 Q. Thank you.

13 THE COURT: Is it at all possible that you
14 fell asleep or into a very relaxed state while in
15 the sweat lodge during rounds three through seven
16 or thereabouts?

17 THE WITNESS: Certainly I was -- I was in a
18 meditative, relaxed state in that regard. I don't
19 think I fell asleep. But again, I had no concept
20 of the time.

21 THE COURT: Follow up, Mr. Hughes?

22 FURTHER REDIRECT EXAMINATION

23 BY MR. HUGHES:

24 Q. Doctor, during that time when you were
25 doing the meditation, I believe you said yesterday

1 you were concentrating on your breathing?

2 A. **Correct.**

3 Q. Were you engaging yourself in the
4 speaking activity that Mr. Ray was directing
5 participants in?

6 A. **Yes.**

7 Q. And were you paying attention during that
8 time as to what else was going on around you?

9 A. **No. Because the speaking things,**
10 **everybody spoke at once. I mean, it was how many**
11 **people were in there? 50-plus people screaming at**
12 **the same time. So in that regard you had to sort**
13 **of tune it out for your own sanity.**

14 **And then after the speaking out piece,**
15 **people randomly yelled out all sorts of things. It**
16 **was distracting to me I guess. So I just sort of**
17 **tried to tune the entire thing out.**

18 Q. Thank you, Doctor.

19 THE COURT: Ms. Do.

20 FURTHER RECROSS-EXAMINATION

21 BY MS. DO:

22 Q. Dr. Armstrong, were you lucid even though
23 you may have entered into a relaxed, meditative
24 state?

25 A. **I feel like I was lucid. Yes.**

1 Q. Thank you.

2 THE COURT: Thank you.

3 May Dr. Armstrong be excused as a
4 witness, Mr. Hughes?

5 MR. HUGHES: Yes, Your Honor.

6 THE COURT: Ms. Do?

7 MS. DO: Yes, Your Honor.

8 THE COURT: Dr. Armstrong, you will be excused
9 as a witness at this time. That rule of exclusion
10 still applies as in regard to communicating in any
11 way with another witness until the matter is
12 completely over, the trial is over.

13 You would be permitted at this time to
14 remain in the courtroom, however, if you wish to do
15 that. But, again, no communication with the
16 witnesses about the case or involved in the case or
17 your testimony in any fashion.

18 You understand?

19 THE WITNESS: Yes.

20 THE COURT: You are excused at this time.

21 And, ladies and gentlemen, I have another
22 matter I need to attend to. So we are going to
23 take the noon recess at this time. I'm going to
24 ask that you return at 1:30. Remember the
25 admonition. And I will step out a moment as well.

1 Thank you.

2 (Recess.)

3 THE COURT: The record will reflect the
4 presence of Mr. Ray and the attorneys.

5 And of course, this is not being recorded
6 in any way, audio or visual.

7 Correct?

8 Okay.

9 Ms. Polk, you indicated your next witness
10 had a request.

11 MS. POLK: Yes. She would like to be heard on
12 the issue of the live coverage.

13 THE COURT: Okay. Her name?

14 MS. POLK: Laurie Gennari.

15 THE COURT: Ms. Gennari, for convenience,
16 please have a seat up here at the witness stand.
17 I'm not going to have you placed under oath. I do
18 want to -- I'm going to ask you some questions.

19 Can you start by stating and spelling
20 your name.

21 MS. GENNARI: Laurie Gennari; L-a-u-r-i-e,
22 G-e-n-n-a-r-i.

23 THE COURT: Thank you. What is it that you're
24 requesting?

25 MS. GENNARI: I would very much like to not be

130

1 on camera.

2 THE COURT: Tell me in your own words, if you
3 would, your reason for that request.

4 MS. GENNARI: Well, at the moment my company
5 is in its death throws. So I will be job hunting
6 real soon. I'm in a Silicon Valley tech company.

7 The very first thing anybody does when
8 they see -- when they get a resume is Google them
9 and look them up. The more I can cut myself off
10 from anything distracting to a hiring manager the
11 better.

12 THE COURT: Why do you think that would impact
13 you?

14 MS. GENNARI: From -- from what I hear around
15 me, people draw a lot of conclusions about those of
16 us who were there. And without going into the
17 entire story for somebody and telling them -- you
18 know -- taking them to psychology school, it's
19 going to be real hard for me to convince them
20 that -- you know -- I'm this great, logical,
21 technical person they should hire. Oh, by the way.
22 I got mixed up in all this craziness.

23 THE COURT: And, of course, everything is done
24 on the record. There are -- things are recorded,
25 and there are likely to be a lot of questions

1 presented to you about this. But how would the
2 cameras change the fact that this is a public
3 trial, a full record, reported, reporters have
4 their personal recorders. They're permitted to
5 have that. How would the fact of there being the
6 television coverage -- essentially, how would that
7 change that?

8 MS. GENNARI: Well, if it's just print -- you
9 know -- I have the option of changing my maiden
10 name, moving forward as -- you know -- something
11 unGoogleable.

12 It's already been very frustrating to me.
13 My mother's friends are coming to her and saying,
14 well, I found all this stuff about your daughter.
15 I just --

16 THE COURT: Do you believe that if there were
17 camera coverage it would affect the accuracy of
18 your testimony in any way?

19 MS. GENNARI: No.

20 THE COURT: Truthfulness and accuracy. Would
21 that be impacted in any way?

22 MS. GENNARI: No. My own sense of integrity
23 will override my extreme dislike of being on
24 camera.

25 THE COURT: And your specific concern has to

132

1 do with your anticipated job search?

2 MS. GENNARI: Yes.

3 THE COURT: Is there anything else at all you
4 would like to tell me about how it would affect you
5 or why you would not want to be on camera?

6 MS. GENNARI: My main nervousness really is
7 about my job search. Beyond that I'm a very
8 private person. I keep my life very small on
9 purpose.

10 THE COURT: What if your identity or your
11 appearance was obscured such that you could not be
12 identified?

13 MS. GENNARI: That works.

14 THE COURT: Would that assist you --

15 MS. GENNARI: Yes.

16 THE COURT: -- with your concern? Okay.

17 Anything else you would like to tell me
18 about your request?

19 MS. GENNARI: That's it in a nutshell. I
20 could probably rant for days. That's it in a
21 nutshell.

22 THE COURT: Thank you. If you could wait
23 outside the courtroom for just a minute. Someone
24 will talk to you in a minute.

25 This can be on camera and recorded at

1 this point if you would like to do that.

2 Ms. Polk, did you want to -- this is now
3 on camera. But is there anything you would like to
4 say?

5 MS. POLK: Your Honor, the Court had asked her
6 the question about having her appearance blurred or
7 blotted out. That seemed to address her concern.
8 And I would request that that occur.

9 THE COURT: Did the defense which to have any
10 input on this?

11 MR. LI: No, Your Honor.

12 THE COURT: For this particular witness I'm
13 going to ask that the appearance be obscured. Or
14 would there be any difficulty with that?

15 CAMERA OPERATOR: We'll have to figure it out.
16 But we'll comply somehow.

17 THE COURT: I thought that was going to be a
18 capability. I know it was with the trial I was
19 doing in -- another trial. But that is my order
20 for this particular witness.

21 Anything else, Counsel?

22 MR. HUGHES: No.

23 MR. LI: No, Your Honor.

24 MS. POLK: Thank you.

25 THE COURT: Thank you.

1 (Recess.)

2 THE COURT: The record will show the presence
3 of the defendant, Mr. Ray, the attorneys, and the
4 jury.

5 The state may call the next witness.

6 MS. POLK: The state calls Laurie Gennari to
7 the stand, please.

8 THE COURT: Ma'am, please step to the front of
9 the courtroom where the bailiff is directing you.

10 Raise your right hand to be sworn by the
11 clerk.

12 LAURIE GENNARI,
13 having been first duly sworn upon her oath to tell
14 the truth, the whole truth, and nothing but the
15 truth, testified as follows:

16 THE COURT: Please be seated to the right at
17 the witness stand.

18 Please begin by stating and spelling your
19 full name.

20 THE WITNESS: Laurie Gennari; L-a-u-r-i-e,
21 G-e-n-n-a-r-i.

22 THE COURT: Thank you.

23 Ms. Polk.

24 MS. POLK: Thank you, Your Honor.

25 / / /

1 DIRECT EXAMINATION

2 BY MS. POLK:

3 Q. Good afternoon, Ms. Gennari. Please
4 start by telling the jury what community you live
5 in.

6 A. **I live in Redwood City, California.**

7 Q. Approximately how long have you lived in
8 California?

9 A. **Minus about four years, my whole life.**

10 Q. Are you employed there?

11 A. **Yes.**

12 Q. What is your employment?

13 A. **IT databases for a small, start-up
14 company.**

15 Q. How long have you done that?

16 A. **About 15 years.**

17 Q. At some point did you learn of a man
18 named James Ray?

19 A. **Yes.**

20 Q. How did you learn of him?

21 A. **A friend of mine had interviewed him once
22 upon a time. And she said, hey. You should go
23 hear this guy.**

24 Q. Did you then go hear him?

25 A. **Yes.**

1 Q. Where?

2 A. **It was one of the hotels near
3 San Francisco airport.**

4 Q. Do you remember what year?

5 A. **No. Probably about three years ago would
6 be my guess.**

7 Q. Was that a paid event or a free event?

8 A. **Free.**

9 Q. Do you recall what that event was called?

10 A. **No.**

11 Q. After hearing Mr. Ray at the free event,
12 what did you do?

13 A. **I went home and I thought about it, and
14 the next day, I decided to go to his paid event.**

15 Q. What event did you then sign up for?

16 A. **Harmonic Wealth.**

17 Q. Do you recall when that was?

18 A. **It was spring, I believe, in Oakland.**

19 Q. Do you recall what year?

20 A. **No. Two or three years ago, somewhere in
21 there.**

22 Q. Did you attend additional events put on
23 by Mr. Ray?

24 A. **Yes.**

25 Q. What events are those?

1 **A. In total, I went to Harmonic Wealth, I**
 2 **went to Creating Absolute Wealth in San Diego. I**
 3 **can't remember the name of the one in Las Vegas.**
 4 **Practical Mysticism in Tahoe and Spiritual Warrior**
 5 **in Sedona.**

6 **Q. In 2009?**

7 **A. Yes.**

8 **Q. When was it that you signed up for**
 9 **Spiritual Warrior 2009?**

10 **A. Almost a year before that.**

11 **Q. How much did you pay for it?**

12 **A. Close to \$10,000.**

13 **Q. Did you pay additional sums to attend the**
 14 **five-day event near Sedona?**

15 **A. Yeah. Our room and board turned out to**
 16 **be on top of that.**

17 **Q. Did you know that at the time you were**
 18 **signing up?**

19 **A. No.**

20 **Q. Do you know how much you paid for the**
 21 **room and board?**

22 **A. I think that ended out about \$1,600.**

23 **Q. Why did you sign up for Spiritual**
 24 **Warrior 2009?**

25 **A. Throughout my attendance at the events,**

1 **there was always some little thing I would latch**
 2 **onto and think oh. That was good. Maybe he'll get**
 3 **to the -- maybe he'll get to the better stuff next**
 4 **time.**

5 **And then the next time there would be a**
 6 **little bit. I think, oh. That was nice. And I**
 7 **met some nice people. And that kind of kept**
 8 **stringing along that way.**

9 **And I believe it was in Las Vegas when I**
 10 **signed up for Spiritual Warrior. And there were a**
 11 **bunch of people talking about it at that event.**

12 **Q. Do you recall what your expectations were**
 13 **of the Spiritual Warrior 2009 event?**

14 **A. In terms of specifically what we'd be**
 15 **doing, I really didn't have any idea. I did**
 16 **know -- I did overhear from somebody that there was**
 17 **a big deal about shaving heads. So I had almost a**
 18 **year to think about that. But I just figured we'd**
 19 **be doing more of the same. And I thought well,**
 20 **okay. Are we finally going to get to the beefy**
 21 **stuff.**

22 **Q. And to you was this business development?**
 23 **Personal development? What were your reasons for**
 24 **going to Spiritual Warrior 2009?**

25 **A. It was personal development. At the time**

1 **I had been -- before even my first event I had been**
 2 **looking around for what did I want to do with my**
 3 **life. Where did I want it to go. Was I in the**
 4 **right place. All those good existential questions.**
 5 **So this was just one more thing to look at.**

6 **Q. Do you recall that the dates of Spiritual**
 7 **Warrior 2009 were April 4th to April 9th of 2009?**

8 **A. Spiritual Warrior was in October.**

9 **Q. I'm sorry. October 4th through**
 10 **October 9th, 2009?**

11 **A. Yes.**

12 **Q. How did you get out to this area?**

13 **A. I flew out and a few of us actually met**
 14 **up at the airport and took the shuttle bus -- van.**

15 **Q. Did you know other people who were**
 16 **attending Spiritual Warrior 2009?**

17 **A. I knew two.**

18 **Q. Who were those people?**

19 **A. Lara Prieve and Laura Tucker. So we were**
 20 **Laura, Laura and Laurie coming in on the shuttle.**

21 **Q. How did you know the other Laura and**
 22 **Laurie?**

23 **A. We knew each other from previous events.**

24 **Q. I'm going to show you what's been marked**
 25 **as State's Exhibit 736 and ask if you recognize**

1 **this. Are you familiar with everything that is in**
 2 **that Spiritual Warrior participant guide?**

3 **A. Pretty much.**

4 **Q. I want to draw your attention**
 5 **specifically to the page that has a map on it. Do**
 6 **you recognize that?**

7 **A. Vaguely.**

8 **Q. I'm going to put it up on the overhead**
 9 **for us. I'm putting on the overhead Exhibit 736.**
 10 **Do you recall the name of the retreat center where**
 11 **Mr. Ray held Spiritual Warrior 2009?**

12 **A. That was Angel Valley.**

13 **Q. And do you recognize what's up on the**
 14 **overhead as a map from Sedona to Angel Valley?**

15 **A. Yes.**

16 **Q. Who did you room with during Spiritual**
 17 **Warrior 2009?**

18 **A. Christina somebody. She was, I believe,**
 19 **Chinese. And Gabriella. I don't know her last**
 20 **name either.**

21 **Q. Did you get to choose your roommate?**

22 **A. No.**

23 **Q. You spoke already about the head-shaving**
 24 **event that you knew was coming.**

25 **A. Yes.**

- 1 Q. Do you recall when the head-shaving event
2 was?
- 3 A. **First thing.**
- 4 Q. Did Mr. Ray address the group about
5 shaving your head?
- 6 A. **Yes.**
- 7 Q. What do you recall about what Mr. Ray
8 said to all of you?
- 9 A. **He talked about commitment, whether you
10 were willing to quote, unquote, play full on; the
11 symbolism of head shaving somewhat like the
12 Buddhist monks do, and leaving behind who you were
13 so that you would go forward as someone else.**
- 14 Q. Did you decide to shave your head?
- 15 A. **No.**
- 16 Q. Did you have your hair cut at all?
- 17 A. **No.**
- 18 Q. You used the phrase "play full on" as
19 words that Mr. Ray used. Had you heard those words
20 at other events?
- 21 A. **Yes.**
- 22 Q. What did those words mean to you?
- 23 A. **Mostly to me they meant do as he says.**
- 24 Q. Why --
- 25 A. **Do it his way.**

- 1 Q. Why did you not shave your head?
- 2 A. **I have actually shaved my head twice in
3 my life for no apparent reason. So I knew that was
4 going to have zero meaning to me. If we were
5 looking for something meaningful to mark a
6 transition, doing something I'd done randomly
7 certainly wasn't going to be it.**
- 8 Q. Was any pressure put on you to shave your
9 head?
- 10 A. **Lots.**
- 11 Q. Who put pressure on you to shave your
12 heads?
- 13 A. **The other participants.**
- 14 Q. What was said to you?
- 15 A. **A lot of people came up to me and asked
16 me, and I told them that story. Been there, done
17 that. And usually they would try to then turn that
18 around on me. Oh. But well, this time it would be
19 meaningful. Maybe you're afraid of that. There
20 was a lot of -- it was like being back in junior
21 high school and being shunned. But for me I knew
22 it would make them happy. I knew it would stop the
23 taunting. But I also knew it was pointless for me.**
- 24 Q. Okay. What do you recall the next event
25 being that you -- you said that was the first

- 1 event. What do you recall happening next at
2 Spiritual Warrior 2009?
- 3 A. **I believe that night we had some lecture
4 time. All the lectures kind of blend together for
5 me.**
- 6 Q. Do you recall being given writing
7 assignments?
- 8 A. **Yes.**
- 9 Q. And were topics given to you to write
10 about?
- 11 A. **Yes.**
- 12 Q. What was the topic?
- 13 A. **The very first topic we were supposed to
14 write about was pretty much everything that had
15 ever run through your mind or your history in your
16 sexual experience.**
- 17 Q. Did you engage in those writing
18 assignments?
- 19 A. **Yes.**
- 20 Q. Were there other topics you were supposed
21 to write about?
- 22 A. **There were other topics listed. But
23 given the -- the instructions we were given were
24 start from at the first thought you can remember,
25 and at any time your mind goes off on a tangent,**

- 1 **follow it. If you happen to be a person whose mind
2 connects a lot of things to a lot of things, you'd
3 never get out of the first subject.**
- 4 Q. Was that a surprise to you, that topic?
- 5 A. **Yes.**
- 6 Q. Did you engage in those writing
7 exercises?
- 8 A. **Yes.**
- 9 Q. Just generally speaking for the week, how
10 much sleep did you get?
- 11 A. **Not much at all.**
- 12 Q. Why not?
- 13 A. **We were encouraged to stay up all night
14 writing, to the point that even the volunteer staff
15 were running shifts so that if we needed, quote,
16 help, they would be available to us 24 hours while
17 we were all sitting there writing. We were -- it
18 was -- there was a lot of pressure to do this now
19 because you won't do it when you go home.**
- 20 Q. Who was that pressure coming from?
- 21 A. **That was from James.**
- 22 Q. From James who?
- 23 A. **James Ray. I don't think I got more than
24 three or four hours sleep any night.**
- 25 Q. Did you do a lot of writing that week?

1 **A. I did do a lot of writing.**
 2 **Q.** Did you ever come to meet Kirby Brown
 3 during that week?
 4 **A. Yes.**
 5 **Q.** How did you meet Kirby?
 6 **A. I think I met her in line for the**
 7 **bathroom.**
 8 **Q.** Were you aware whether Kirby Brown was
 9 staying up late into the night writing?
 10 **MR. LI:** Objection. Calls for speculation.
 11 **THE COURT:** Overruled.
 12 You may answer that if you can.
 13 **THE WITNESS:** I don't know.
 14 **Q.** BY MS. POLK: Did you participate in an
 15 exercise called "Holosync meditation"?
 16 **A. Yes.**
 17 **Q.** How was that exercise for you?
 18 **A. I had done Holosync before.**
 19 **Q.** Who with?
 20 **A. On my own, from the CDs, but never**
 21 **multiple times in a row. It made me lightheaded**
 22 **and woozy.**
 23 **Q.** When you say "multiple times in a row,"
 24 describe for us what you're talking about.
 25 **A. It's a -- it's a one-hour CD that plays**

1 **tones in your ears and puts your head in kind of a**
 2 **whacky meditative state. But in this case, instead**
 3 **of just doing it once and then coming back to**
 4 **reality, back to your natural, normal, everyday**
 5 **mental state, we'd finish one and then do it again.**
 6 **So it was -- if it's possible to overdose on**
 7 **meditation, that's pretty much what we were doing.**
 8 **Q.** You mentioned that it was on a CD. Where
 9 did you get the CD from?
 10 **A. We were instructed to buy them from the**
 11 **company that makes them.**
 12 **Q.** Who is the company?
 13 **A. Centerpointe.**
 14 **Q.** Who instructed you to buy the CDs?
 15 **A. That was in our participant guide that we**
 16 **got before we went.**
 17 **Q.** You used the word "whacky," a whacky
 18 state. Describe for the jury what you mean.
 19 **A. Well, for me, I'm a very logical,**
 20 **technical person. My whole background is logic and**
 21 **computers, technical things. So for me, meditating**
 22 **is the one time that my brain relaxes. And it's a**
 23 **lot like some people describe with running, where**
 24 **they get into just kind of a zone, this nice flow**
 25 **zone.**

1 **And that's how it is for me doing one**
 2 **session of meditation or one sitting. Doing it**
 3 **multiple times in a row -- and I don't have**
 4 **personal experience with this -- but it was more**
 5 **like I would think being high. I definitely wasn't**
 6 **anchored to the ground anymore.**
 7 **Q.** How long, if you were doing just one
 8 session, how long would one session be?
 9 **A. That's an hour.**
 10 **Q.** With Mr. Ray what length of period did
 11 you do this Holosync meditation exercise?
 12 **A. I know one day we did two hours worth.**
 13 **We might even have done three on another day. I**
 14 **couldn't say that for sure.**
 15 **Q.** You testified about your discomfort with
 16 it. Did you do it?
 17 **A. Yeah.**
 18 **Q.** Why did you do it if it was making you
 19 uncomfortable?
 20 **A. Part of it -- I think it was the mind-set**
 21 **that I was in at the time was that I was going to**
 22 **go participate in this week, and I was hellbent on**
 23 **getting something out of it. And as a consequence,**
 24 **I pretty much went along with everything.**
 25 **Q.** Did you also participate in something

1 called "Holotropic breathing"?
 2 **A. Yes.**
 3 **Q.** Tell the jury what that was.
 4 **A. Basically, that amounts to**
 5 **hyperventilation on purpose.**
 6 **Q.** Do you recall how long of a session or
 7 sessions you did this type of breathing for?
 8 **A. I don't know. It was a long time.**
 9 **Q.** How did that make you feel?
 10 **A. It made me dizzy. It made my sinuses and**
 11 **my nose hurt. Made me feel like I was -- like the**
 12 **ground was shaking, like a mild earthquake. And I**
 13 **had done it before. But in this case the air was**
 14 **dry enough that it was enough pain that I pulled up**
 15 **my sleeping bag over my nose. And after a while I**
 16 **couldn't do it anymore.**
 17 **Q.** Did you stop doing it?
 18 **A. I think so at one point. I remember**
 19 **somebody coming and breathing in my ear to try to**
 20 **get me going. And fleetingly thought -- you**
 21 **know -- just go away. Leave me alone.**
 22 **Q.** Did you hear Mr. Ray use the term
 23 "altered experience" that week?
 24 **A. Yes.**
 25 **Q.** In what context?

1 **A. Definitely in describing mystical**
 2 **experiences as being "altered states." The**
 3 **breathwork was also described as possibly putting**
 4 **people into an altered state. Now that I'm**
 5 **remembering, I also recall that the ground was**
 6 **extremely hard and my bones hurt lying there. And**
 7 **altered state were always described as appealing.**

8 **Q. Appealing?**

9 **A. Yes.**

10 **Q. Described by Mr. Ray as appealing?**

11 **A. Yes.**

12 **Q. Did you understand from Mr. Ray what an**
 13 **altered state was?**

14 **A. I thought I did. The vision -- the**
 15 **picture I sort of had in my head was more like, oh,**
 16 **I'll feel relaxed. I'll feel good. I'll feel**
 17 **connected to people. And that was pretty much the**
 18 **picture I had.**

19 **Q. You said that Mr. Ray talked about an**
 20 **altered state as something appealing. Did you**
 21 **understand why Mr. Ray was telling you that this**
 22 **was a good thing to achieve an altered state?**

23 **A. I recall a description of the difference**
 24 **between stage of evolution, as you move from face**
 25 **to face in your life and then altered state as**

1 **being kind of a way to get a taste of the other**
 2 **stages before you get there.**

3 **Q. And, Ms. Gennari, you started out by**
 4 **describing yourself as somebody who is analytical**
 5 **and you're in the software -- is that the right**
 6 **word, the software industry? What did you think**
 7 **about that this seminar being about achieving an**
 8 **altered state?**

9 **MR. LI: Objection. Misstates the evidence.**
 10 **Seminar being about.**

11 **THE COURT: Sustained.**

12 **Q. BY MS. POLK: Let me rephrase the**
 13 **question. What did you think about Mr. Ray**
 14 **presenting to you an altered state as something**
 15 **appealing?**

16 **A. I thought of it as a way to maybe get me**
 17 **out of my own head. I'm very cerebral and spend a**
 18 **lot of time running around in there. Seemed like**
 19 **maybe a way to connect more with the world around**
 20 **me instead of just my internal world.**

21 **Q. We've heard testimony about yoga. Did**
 22 **you participate in yoga?**

23 **A. Yes.**

24 **Q. Did you understand that to be optional?**

25 **A. No.**

1 **Q. Why do you say that?**

2 **A. The one woman who didn't go got bullied**
 3 **the next --**

4 **Q. Who bullied the woman who didn't go to**
 5 **yoga?**

6 **A. James Ray.**

7 **Q. Why do you use the term "bullied"? What**
 8 **happened?**

9 **A. We were all gathered, and he looked at**
 10 **her pointedly and made a -- I don't remember the**
 11 **exact comment but made a very pointed comment about**
 12 **the fact that she hadn't gone. And I could feel**
 13 **myself in sympathy wanting to crawl under my own**
 14 **chair.**

15 **Q. Did you see how that woman reacted?**

16 **MR. LI: Objection. Relevance, Your Honor.**

17 **THE COURT: Overruled.**

18 **You may answer that.**

19 **THE WITNESS: I didn't see how she reacted.**

20 **Q. BY MS. POLK: How did that -- what you**
 21 **described as bullying affect you and your**
 22 **participation in the events of the week?**

23 **A. I pretty much was going to keep my head**
 24 **down and stay off of that RADAR.**

25 **Q. How would you stay off the RADAR?**

1 **A. By going along with whatever was going on**
 2 **and not making waves.**

3 **Q. Do you recall whether there was a theme**
 4 **presented by Mr. Ray, a theme for the week of**
 5 **Spiritual Warrior 2009?**

6 **A. Death.**

7 **Q. What was your reaction to that?**

8 **A. Mixed, I guess. On the one hand, I can**
 9 **see the poetic description of certain things dying**
 10 **or being dropped away so that other things can live**
 11 **or grow. On the other hand, to another piece of my**
 12 **mind, it really didn't work for me.**

13 **Q. Why didn't it work for you?**

14 **A. For me, speaking in terms of, say,**
 15 **personality traits, I think it's more about**
 16 **learning when to use which of your tools than it is**
 17 **to throw half of them away because they're bad.**
 18 **And those same -- the same things that are in your**
 19 **way sometimes are good for you at others.**

20 **And I also kind of -- you know -- rolled**
 21 **my eyes and said, oh. Yeah. Being dramatic. You**
 22 **know. Over the top.**

23 **Q. You just made the statement that you**
 24 **don't think you should throw the tools away. Was**
 25 **somebody during the week telling you to throw your**

1 tools away?

2 **A. Over the course of the various events,**
3 **what I had seen was that when people had stood up**
4 **with questions and had tried to explain that they**
5 **saw things differently, they would get not just**
6 **shot down but told that the reason their life was a**
7 **mess was because of that point of view they had.**
8 **And it always -- I was always conflicted about**
9 **that.**

10 **Because, on the one hand, I could see**
11 **where certain thought patterns or personality**
12 **traits were the things getting in my way. But in**
13 **other ways I could see that they were -- they**
14 **worked for me as well. And I felt like there**
15 **wasn't a nuanced enough view of people and who**
16 **people are.**

17 **Q.** You just said people would get shot down.
18 Who was doing the shooting down?

19 **A. James Ray.**

20 **Q.** Did you ever get up and speak?

21 **A. No.**

22 **Q.** Why not?

23 **A. I'm -- I'm not the get-up-and-speak**
24 **person.**

25 **Q.** You used the word "personality trait" in

1 referring to yourself. Did you notice a strong
2 personality trait in Mr. Ray that impacted you?

3 **MR. LI:** Objection, Your Honor. Calls for
4 speculation, ambiguous, relevance.

5 **THE COURT:** Overruled.

6 You may answer that if you can.

7 **THE WITNESS:** Do you want to repeat it.

8 **Q.** **BY MS. POLK:** A couple of different times
9 now you've talked about Mr. Ray and, in your words,
10 bullying of participants. And then you just said
11 Mr. Ray would shoot down somebody who would differ
12 with him. Did you have an impression of Mr. Ray in
13 terms of a personality trait?

14 **MR. LI:** Objection. 403, Your Honor.

15 **THE COURT:** Sustained.

16 **Q.** **BY MS. POLK:** What was your reaction to
17 James Ray?

18 **MR. LI:** Objection, Your Honor. Vague.

19 **THE COURT:** Overruled.

20 You may answer that if you're able to.

21 **THE WITNESS:** Overall, mixed. On the one
22 hand, he was a compelling speaker and entertaining
23 to watch. And that was appealing, like watching a
24 stage performance. I see this in hindsight. I can
25 see that I was always also waiting for the other

1 shoe to drop, that I knew the Jeckyll/Hyde moment
2 would come.

3 **Q.** **BY MS. POLK:** What do you mean?

4 **MR. LI:** Objection, Your Honor. 403. Move to
5 strike.

6 **THE COURT:** Sustained.

7 **MR. LI:** Your Honor, if I may approach?

8 **THE COURT:** I did sustain the objection.

9 **MR. LI:** Thank you.

10 **Q.** **BY MS. POLK:** Did you hear the phrase
11 "let them have their own experience," used that
12 week?

13 **A. Yes.**

14 **Q.** In what context?

15 **A. Somebody had spoken up on the microphone**
16 **and was getting upset. The people around them**
17 **wanted to reach out and be comforting and were told**
18 **to leave them alone. Let them have their own**
19 **experience.**

20 **Q.** Who said leave them alone and let them
21 have their own experience?

22 **A. James Ray.**

23 **Q.** Did that affect you with regard to your
24 behavior later in the weekly?

25 **MR. LI:** Objection. Form of the question.

1 **THE COURT:** Sustained.

2 **MR. LI:** Move to strike.

3 **THE COURT:** Granted.

4 **Q.** **BY MS. POLK:** Let's talk about other
5 events that occurred during the week. We've heard
6 testimony about a Samurai Game. Did you
7 participate in that?

8 **A. Yes.**

9 **Q.** Describe for the jury generally what your
10 role in that game was.

11 **A. I was not a named player. I didn't have**
12 **a title. I was just one of -- one of the army.**
13 **The instructions were extremely vague. And we**
14 **were, basically, left to figure out the rules by**
15 **watching our friends, quote, unquote, die, when**
16 **they transgressed them.**

17 **In general, I am not real keen on games.**
18 **And I'm really less keen on them when I'm not**
19 **really told what the rules are. I pretty much laid**
20 **low, once again, laid low, stayed out of the RADAR**
21 **and hung back as much as I could.**

22 **Q.** Did you die during that game?

23 **A. No.**

24 **Q.** How did that game end?

25 **A. When the game ended, I was not on the**

1 losing team. I believe the other team's ninja came
2 over and thought he had looked our leader in the
3 eyes. And there was kind of a screaming fight
4 about whether or not that had happened, whether our
5 leader should die. And then we were all made to go
6 over and pledge allegiance to the other team's
7 leader.

8 Q. First of all, who had the screaming
9 fight?

10 MR. LI: Objection. Relevance, Your Honor.

11 THE COURT: Overruled.

12 THE WITNESS: It was the other team's ninja.
13 He was very upset and yelling, and on our side, I
14 think it was our leader.

15 Q. BY MS. POLK: Do you know -- do you
16 recall the name of your leader?

17 A. No.

18 Q. Do you recall the name of the other
19 team's ninja?

20 A. No.

21 Q. You said that you were made to go over
22 and pledge allegiance to the other team. Who made
23 you do that?

24 A. James Ray.

25 Q. Did James Ray ever comment to you and the

1 other participants about how you played that game?

2 A. I think he repeated a phrase he was fond
3 of saying. However we showed up in the game was
4 how we showed up in the world.

5 Q. Did you understand that?

6 A. Yes.

7 Q. What did that mean to you?

8 A. Well, given what I've just said about
9 hanging back in the game and not wanting to play
10 it, to me it was just -- it was a statement that
11 how I go about my life isn't good enough.

12 Q. Did that impact you?

13 A. Yes.

14 Q. And in what way?

15 A. We all have those critical voices in our
16 heads. And this was one more.

17 Q. Was that -- did that appear to you to be
18 a fun game?

19 A. No. I thought it was a dumb game.

20 Q. And what did you observe about other
21 participants? Was it a fun, laughing game?

22 A. No.

23 Q. What was it?

24 A. There were a few people who decided they
25 were really going to get into it and to the point

1 that they got kind of ugly in how they were
2 treating people. And then there was a bunch of us
3 who were just trying to get through it and get on
4 to the next thing.

5 Q. Did you see how Mr. Ray reacted to the
6 people who, in your words, got ugly?

7 A. My impression was that those were the
8 people, quote, unquote, doing it right.

9 Q. Did you get dinner the day of the Samurai
10 Game?

11 A. I did.

12 Q. Are you -- you said "I did." Are there
13 others who did not?

14 A. Anybody who died in the game before that
15 did not get dinner.

16 Q. Did you get a chance to see how many
17 people it was, how many were there that had died
18 and did not get dinner?

19 A. I don't remember exactly. But we did
20 have a lot of people on the floor during our last
21 meditation before dinner.

22 Q. Meaning what if they were on the floor?

23 A. They were dead.

24 Q. Did you get to know a man named James
25 Shore that week?

1 A. Not very well.

2 Q. Did you observe James Shore during the
3 Samurai Game?

4 A. No.

5 Q. Do you know whether he had died and
6 missed dinner?

7 MR. LI: Objection. Calls for speculation.

8 She just said she didn't observe Mr. Shore.

9 THE COURT: I think the question was answered
10 negatively.

11 MS. POLK: Yes. She said no.

12 THE COURT: Overruled.

13 Q. BY MS. POLK: We've heard testimony about
14 the next event, which was the Vision Quest. Did
15 you participate in the Vision Quest?

16 A. Yes.

17 Q. And, Ms. Gennari, did you know that the
18 Vision Quest was coming? Did you know it was going
19 to be part of the week?

20 A. Yes.

21 Q. Did you participate fully in the Vision
22 Quest?

23 A. Yes.

24 Q. Did you have any food during the 36 hours
25 out at your spot?

1 A. No.

2 Q. Did you have any water?

3 A. No.

4 Q. Did you build a medicine wheel?

5 A. Yes.

6 Q. Did you stay in it the whole 36 hours?

7 A. Yes.

8 Q. What -- how did you feel about the Vision

9 Quest?

10 A. **When I first heard about it, I thought**

11 **that was going to be for me the hardest part of the**

12 **week. I tend to get dizzy when my meals are late,**

13 **let alone missing. But because I wasn't -- I was**

14 **sitting or lying down. I was not moving pretty**

15 **much at all is probably how I got through that.**

16 **I went -- I got hungry. I got dizzy. I**

17 **got a headache. I went to sleep for a while, woke**

18 **up for a while, went back to sleep. I did a lot of**

19 **writing. But then I also did a lot of sleeping**

20 **because my body was just not happy with no food.**

21 Q. Were you thirsty?

22 A. Yes.

23 Q. That Vision Quest ended on Thursday

24 morning around 6:30. Did you get picked up by a

25 Dream Team member?

1 A. Yes.

2 Q. Then where did you go?

3 A. **I went to shower and then to breakfast.**

4 Q. Do you recall what the rest of the

5 morning, Thursday, October 8th, consisted of?

6 A. **Thursday morning I believe we were back**

7 **in the lecture hall with people talking about their**

8 **experiences of the week and what they had learned**

9 **about themselves.**

10 Q. When you signed up for Spiritual

11 Warrior 2009, did you know that a sweat lodge

12 experience would be part of the week?

13 A. No.

14 Q. When did you learn that sweat lodge would

15 be part of the week?

16 A. **I think when I finally got the**

17 **participant package.**

18 Q. Did you know what part of the week it

19 would come?

20 A. No.

21 Q. When did you figure out that you would be

22 doing a sweat lodge ceremony with Mr. Ray on

23 Thursday afternoon?

24 A. **Right when it happened. I was looking at**

25 **the clock thinking lunch would be really good right**

1 **now, looking at the clock some more. Half and hour**

2 **later looking at the clock, thinking, oh, my God.**

3 **We got to eat. And then instead of getting lunch,**

4 **we were told to go change clothes.**

5 Q. Did you get lunch that day?

6 A. No.

7 Q. Did anybody get lunch that you know?

8 MR. LI: Objection. Calls for speculation.

9 THE COURT: That she knows.

10 You may answer that if you know.

11 THE WITNESS: I don't think so.

12 Q. BY MS. POLK: Was there a time -- let me

13 ask you this: How much time before doing the

14 actual sweat lodge did you learn from Mr. Ray that

15 it was coming?

16 A. **I think we had about half an hour to go**

17 **change.**

18 Q. Had you been making an attempt to

19 hydrate?

20 A. **So-so. I was trying to drink as much as**

21 **I could but without making myself need to leave to**

22 **go to the bathroom when it wasn't a scheduled**

23 **break. Because in previous events I had seen**

24 **Mr. Ray get very upset with people who left on**

25 **their own body's timing.**

1 Q. To go use the facility?

2 A. Yes.

3 Q. If you had known that a sweat lodge was

4 coming in the afternoon, would you have done more

5 hydrating?

6 A. Yes.

7 Q. Do you recall what Mr. Ray told you about

8 his sweat lodge ceremony that -- late that morning

9 or early afternoon?

10 A. **He said we may have done them before,**

11 **implied that even if we had done sweat lodges**

12 **before, we had never done one as amazing as his.**

13 **That Native Americans had told him nobody does them**

14 **like that. You're crazy. That it was going to be**

15 **very intense.**

16 Q. How did you feel getting ready to go into

17 Mr. Ray's sweat lodge ceremony?

18 A. **I -- by that time almost nothing. I was**

19 **just, okay. This is the next thing we're going to**

20 **do.**

21 Q. Let me stop you right there. Why were

22 you feeling almost nothing at that point?

23 MR. LI: Objection. Relevance, vague.

24 THE COURT: Overruled.

25 You may answer that.

1 THE WITNESS: At that point I was tired. I
2 was hungry for some beefier food. I pretty much
3 felt complete with everybody talking in the morning
4 and was exhausted. I was done. I was pretty much,
5 okay. I could go home now. So I was fairly spent.
6 So there wasn't much of me left to respond to hey.
7 We're going to go do a sweat lodge. And I thought
8 well. Okay. I've read about them in books,
9 usually as part of some novel or something.

10 And thought, well, okay. We'll all go --
11 you know -- get in there. It will be nice and
12 warm. We'll do some chanting or something and it
13 will be nice.

14 Q. BY MS. POLK: You just testified that
15 Mr. Ray had told you it was hotter than anybody's
16 else's sweat lodge and that the --

17 MR. LI: Objection. Misstates the testimony.

18 THE COURT: I think -- go ahead and pose the
19 question. If the witness believes it
20 mischaracterizes, she can say so.

21 Q. BY MS. POLK: In light of the things that
22 Mr. Ray had just told you about what his sweat
23 lodge ceremony was like, why did you think it would
24 be a nice, warm event?

25 A. In retrospect, I think my scale stopped

166

1 too soon. I -- in general I'm very good with heat.
2 When other people are looking for places to sit
3 down, I'm the one who decides to walk around the
4 block in Palm Springs in the summer.

5 I figured on my scale if he's saying this
6 is really intense, I thought, oh. Good. I'll be
7 warm. Everyone else will be uncomfortable and I'll
8 be warm. I think my scale obviously stopped too
9 soon.

10 Q. Did you think about leaving at that time
11 and not doing the sweat lodge ceremony?

12 A. No.

13 Q. Why not?

14 A. By that time it wouldn't have crossed my
15 mind to depart from the group.

16 Q. Explain that to the jury, if you would.

17 MR. LI: Objection. Relevance, Your Honor.
18 This witness's state of mind. Everybody is
19 different.

20 THE COURT: You may answer that.

21 Overruled.

22 THE WITNESS: Well, I had arrived expecting
23 this week to be full of different experiences,
24 having paid more money than I've ever paid for
25 anything I couldn't drive and determined to do as

1 much as I could to get the most out of it.

2 And within the first couple of days, the
3 group became very cohesive and everything we did
4 was we. We go back to lecture. We go to
5 breakfast. We go lunch. We go do this, we go do
6 that. It was just we go to a sweat lodge. We
7 change clothes. We come back. We do a sweat
8 lodge. It was just what was on the program.

9 Q. BY MS. POLK: Did you experience any fear
10 going into Mr. Ray's sweat lodge ceremony?

11 A. No.

12 Q. Did you trust Mr. Ray?

13 A. Yes.

14 Q. Why did you trust him?

15 A. He said he'd done lots of these before.

16 There were Dream Team members who had been going
17 for years. He said, oh. This is great. You will
18 love this. None of the research I had done
19 beforehand had turned up any problems. I thought,
20 well, sure. Why not.

21 Q. When was it that you had done research?
22 Are you telling us you had done research about
23 sweat lodges?

24 A. No. Sweat lodges in particular. I had
25 just done a bit of Googling to look around whatever

168

1 I could find about James Ray before I started going
2 to events.

3 Q. I'm going to put up on the overhead
4 Exhibit 141 first to ask if you recognize -- this
5 is a view from a distance. Do you recognize it?

6 A. Yes. That's Angel Valley.

7 Q. Do you recognize the sweat lodge in
8 there?

9 A. Yes.

10 Q. Do you know, by the way, Ms. Gennari, if
11 there was a creek on that property?

12 A. Yes, there was.

13 Q. Do you know if you can see the creek on
14 this photograph?

15 A. I believe it's in the middle of those
16 trees.

17 Q. Did you -- you went back? You changed
18 your clothes?

19 A. Yes.

20 Q. We heard testimony about how participants
21 were told to create pouches.

22 A. Yes.

23 Q. Did you do that?

24 A. Yes.

25 Q. How was that exercise for you?

1 **A. It was okay. I had to work kind of hard**
 2 **to make it meaningful to me. The work I was**
 3 **gonna -- the topics -- I don't remember what they**
 4 **were. But each pouch had a topic. And we're**
 5 **writing about the topic it was meaningful for me.**
 6 **Actually tying it to a physical ceremony didn't**
 7 **make it any better for me.**

8 **Q. Did you succeed in making the pouches**
 9 **meaningful to you?**

10 **A. Not really.**

11 **Q. Did you bring your pouches and come down**
 12 **to the fire area?**

13 **A. Yes.**

14 **Q. I'm going to put up on the overhead**
 15 **Exhibit 145 and just to ask if you recognize that**
 16 **scene.**

17 **A. Yes.**

18 **Q. I just asked you if you came down and**
 19 **stood by the fire. Do you see the fire on there?**

20 **A. Yes.**

21 **Q. Will you just make a mark on the monitor**
 22 **where the fire was.**

23 **What happened once you gathered by the**
 24 **fire?**

25 **A. We gathered around in a circle holding**

1 **hands. And then everybody was supposed to take**
 2 **their pages all the stuff they had written and**
 3 **throw it in the fire.**

4 **Q. Did you do that?**

5 **A. Yes.**

6 **Q. Did Mr. Ray say anything more to you and**
 7 **the other participants around the fire?**

8 **A. He talked about the symbolism of throwing**
 9 **our pages in the fire. But I don't remember much**
 10 **else.**

11 **Q. Did he make any more comment about what**
 12 **would happen inside the sweat lodge?**

13 **A. I don't recall.**

14 **Q. At any point did Mr. Ray discuss with you**
 15 **and the other participants a safety plan for his**
 16 **sweat lodge ceremony?**

17 **A. No.**

18 **Q. Did you then after the gathering at the**
 19 **fire line up and go into the sweat lodge?**

20 **A. Yes.**

21 **Q. Do you recall where you were in the line?**

22 **A. I recall where I sat once I was inside.**

23 **Q. I'm going to put up on the overhead**
 24 **Exhibit 143. I can bring this photograph up to**
 25 **you. I want to know if you see yourself in that**

1 photograph.

2 **A. Okay.**

3 **Q. Do you want me to bring it up to you so**
 4 **you can see better?**

5 **A. Yes. Please.**

6 **Q. I'm actually going to give you**
 7 **Exhibit 143 and 144. Just take a moment and**
 8 **examine them and let us know if you see yourself.**

9 **A. Yes. I think I'm that one.**

10 **Q. I'm going to put it up on the overhead**
 11 **and see if we can have you point it out to the**
 12 **jury. How long was your hair back then?**

13 **A. About shoulder length.**

14 **Q. I'm going to put up on the overhead**
 15 **Exhibit 144 and just have you make a mark where you**
 16 **see yourself.**

17 **I'm going to clear it and ask you if you**
 18 **can tell the jury who the people are around you.**
 19 **Are you holding hands with somebody?**

20 **A. I'm holding hands with Laura Tucker.**
 21 **She's in front of me.**

22 **Q. Would you make a line above Laura**
 23 **Tucker's head. Did that line go in the right**
 24 **place? Sometimes the monitor is a little off.**

25 **A. Kind of went right on her head.**

1 **Q. Do you recognize anybody else in that**
 2 **line?**

3 **A. Not really. Once everybody shaved their**
 4 **heads, I had trouble keeping track of who was who.**

5 **Q. How did you enter the sweat lodge?**

6 **A. We all had to drop down and crawl on our**
 7 **hands and feet.**

8 **Q. I'm going to put up on the overhead**
 9 **exhibit one -- 414. Exhibit 414. We have the**
 10 **entrance over on this side. Show the jury -- just**
 11 **draw a line -- how you entered and where you ended**
 12 **up.**

13 **A. We came in and went around. I had kind**
 14 **of two seats.**

15 **Q. Start with where you first went.**

16 **A. Okay. Well, when I first walked in, I**
 17 **came around, and I was right there.**

18 **Q. Who else was around you?**

19 **A. Because Laura and I had walked in**
 20 **together. And then a little bit later, James Ray**
 21 **put Liz -- her last name just went right out of my**
 22 **head -- between me and Laura.**

23 **Q. Was that Liz Neuman?**

24 **A. Yes.**

25 **Q. Had you met Liz Neuman earlier in the**

1 week?

2 **A. Yes.**

3 **Q.** What did you know her to be?

4 **A. She was a Dream Team member.**

5 **Q.** Had you spent any time with her?

6 **A. I hadn't spent much time with her. I**

7 **knew a little bit about her. Because she was**

8 **friends with Lara Prieve. And Lara and Laura had**

9 **told me stories about hanging out with Liz.**

10 **When we walked in the door, the very**

11 **first day, Liz was at the door. And she said to**

12 **Laura, now you get to see me as I really am. She**

13 **was very happy.**

14 **Q.** What did you take that to mean when Liz

15 Neuman said that to you?

16 MR. LI: Objection. Relevance.

17 THE COURT: Sustained.

18 **Q.** BY MS. POLK: I'm going to give you

19 another color. I'm sorry. I just cleared you.

20 You can just put a mark where you were. I'm going

21 to give you another color and put a mark where

22 Laura Tucker was.

23 And when did Liz Neuman join you?

24 **A. Before we started.**

25 **Q.** When Liz Neuman joined you, where did she

1 sit? Do you recall the names of anybody else

2 around you at this point?

3 **A. No.**

4 **Q.** We've heard that there were actually two

5 rows of people inside the sweat lodge. Which row

6 were you?

7 **A. We were the back row. But there was no**

8 **front row where we were.**

9 **Q.** Do you recall where the front row was, if

10 you can draw on the monitor?

11 **A. I think the front row -- I think there**

12 **was a back row all the way around, and the front**

13 **row started somewhere over in here.**

14 **Q.** Okay. And how did you feel at the

15 beginning of the ceremony?

16 **A. I was happy that there was no one in**

17 **front of me. I like having a little more space.**

18 **And just waiting.**

19 **Q.** Did you know where Kirby Brown was in the

20 sweat lodge?

21 **A. Not at the time.**

22 **Q.** Did you later learn where she was?

23 **A. Yes.**

24 **Q.** How much later?

25 **A. After.**

1 **Q.** Did you know where James Shore was in the
2 sweat lodge?

3 **A. Not at the time.**

4 **Q.** You later learned where he was?

5 **A. Yes.**

6 **Q.** Do you recall how the ceremony began?

7 **A. It started with 12 stones being brought**

8 **in.**

9 **Q.** How do you know 12 stones were brought

10 **in?**

11 **A. It stuck in my head.**

12 **Q.** Did somebody say 12?

13 **A. Yes.**

14 **Q.** Who?

15 **A. James Ray said, bring in 12. Then he**

16 **dumped some water on them.**

17 **Q.** Did you see James Ray dump the water?

18 **A. No. I couldn't see almost anything. I**

19 **heard it.**

20 **Q.** Okay. The flap to this structure -- did

21 it close before the ceremony began?

22 **A. After the stones were brought in, yes.**

23 **Q.** Where was -- how was the water brought

24 **in?**

25 **A. In a bucket.**

1 **Q.** Where was the water before the flap

2 closed?

3 **A. Outside.**

4 **Q.** Do you know how the water got in?

5 **A. Somebody passed in the bucket.**

6 **Q.** Okay. Did the flap close before or after

7 water was dumped on the pit?

8 **A. Before.**

9 **Q.** Describe for the jury how you felt when

10 water was dumped on the rocks.

11 **A. The very first round when the water was**

12 **dropped, I felt like I was sitting on the lower**

13 **bench of the sauna.**

14 **Q.** And then how was that first round for

15 you?

16 **A. The first round was fine for me.**

17 **Q.** Did it continue to be fine, the ceremony?

18 **A. Not as the rounds went on.**

19 **Q.** When did it become not -- when did things

20 change for you?

21 **A. For me they changed -- well, the first**

22 **round was like the bottom seat of a sauna. The**

23 **second round was like the top seat of a sauna. At**

24 **the third round I recall a conversation between**

25 **Laura and Liz about how they were sitting. Laura**

1 wanted to know if it was okay that she was lying on
 2 her back with her knees up. And Liz said, Oh.
 3 Yeah. Yeah. Be in whatever position you want.
 4 So I flipped over on my face with my head
 5 towards the edge -- edge of the tent.
 6 Q. What round do you think that conversation
 7 took place?
 8 A. That was at three.
 9 Q. And go ahead and put yourself back up.
 10 Did you actually move positions or just --
 11 A. Because there was no one in front of me,
 12 I had room to flip over on my face.
 13 Q. Mark on here where your face, in terms of
 14 the edge of the tent, was.
 15 Who asked Liz Neuman about changing
 16 positions?
 17 A. That was Laura.
 18 Q. And what was the question to Liz?
 19 A. She asked if it was okay. When we
 20 first -- when Liz was placed between us, she was --
 21 you could tell she was very pleased to be on the
 22 in-charge team, one of the experienced people. And
 23 she was giving us advice about sitting up and
 24 pulling in our knees and sitting with -- maybe sit
 25 with your head down on your knees and breathe

1 slowly. So then when Laura went down onto her
 2 back, she asked Liz if that was okay, like is that
 3 appropriate or acceptable for the ceremony.
 4 And Liz said -- you know -- be in
 5 whatever position you want. And I heard that and
 6 said, oh. Good. And flipped over on my face.
 7 Q. How did Liz's voice sound at the third
 8 round when she offered that advice to you?
 9 A. Mostly normal.
 10 Q. You said "mostly normal"?
 11 A. Well, mostly normal for somebody in a
 12 very hot room trying not to take deep breaths.
 13 Q. And when you flipped around and put your
 14 head -- your face toward the edge of the tent, did
 15 you notice a difference in air temperature?
 16 A. Huge.
 17 Q. What did you notice?
 18 A. Huge. Down -- down there I was -- it
 19 actually really struck me, it was very interesting.
 20 I flipped over. Wow. It's much cooler down here.
 21 Oh, good. Because I had been at round 2 when I was
 22 still sitting up. I thought oh, no. I'm not going
 23 to make it through this. I can't breathe. I hate
 24 this. Buy once I flipped over on my face, I was
 25 down in the -- face first in the dirt. It was much

1 cooler.
 2 And then the next round, in round 4 I
 3 discovered that I could dig my hands under -- under
 4 the gravel and it was even cooler under the gravel.
 5 And then at one point I noticed -- round 4 or 5 --
 6 I noticed that there was breeze across my fingers.
 7 So I had actually tunneled under the side of the
 8 tent with my fingers. Was really concentrating on
 9 nice cool fingers, nice cool fingers.
 10 Q. As somebody who is analytical, did it
 11 strike you, then, that maybe there is a problem
 12 with seeking air in a very small lower part of a
 13 structure?
 14 MR. LI: Objection. Leading.
 15 THE COURT: Sustained.
 16 Q. BY MS. POLK: Did you have any thoughts
 17 at that point about your safety?
 18 A. No. Not at that point. While I do like
 19 heat, I don't like humidity. So that was sort of
 20 what was running through my mind was too bad we're
 21 doing this with steam.
 22 Q. Were you clearheaded at that point?
 23 A. At that point, yeah. At round 3 I was.
 24 Q. When you flipped over, put your face
 25 toward the edge of the tent, where were your feet?

1 When you flipped over to put your face
 2 down, where was Liz Neuman?
 3 Was she sitting? What was she doing?
 4 A. She was sitting.
 5 Q. How was she sitting? Do you recall?
 6 A. She was sitting with her knees up and her
 7 arms wrapped around her knees.
 8 Q. Toward the back of the tent? Toward the
 9 edge of the tent?
 10 A. She was forward a little bit.
 11 Q. Was she forward as you've drawn her, or
 12 was she closer to the pit?
 13 A. Well, she was -- she was kind of at my
 14 side, kind of in my armpit.
 15 Q. Where was Laura Tucker at that point?
 16 A. Laura was on the other side of her. She
 17 was on her back with her knees up.
 18 Q. Going in -- had you thought about getting
 19 out then?
 20 A. No. At that point I thought oh, good.
 21 If this is how we're going to be, I can stay here
 22 forever. I'm fine. I was warm. I had air. I was
 23 pretty comfortable where I was.
 24 Q. Were you aware of anybody talking
 25 during -- inside the tent at that point?

1 **A. Yes. At round 3 the woman on my other**
 2 **side, who I don't remember her name. I believe she**
 3 **was -- I didn't -- I only heard her voice. I think**
 4 **she was the -- there was kind of a young, cute**
 5 **Latino girl. And I believe she was the one on my**
 6 **side. She started whimpering about how hot she was**
 7 **and how uncomfortable she was. And the group**
 8 **around her started chanting at her, you're more**
 9 **than that. You can do this. You're more than**
 10 **that.**

11 **And she kept whimpering about, I'm hot,**
 12 **I'm uncomfortable. I hate this. I don't like it.**
 13 **At that point I was in my normal state of mind. I**
 14 **actually mostly got annoyed with her. I flipped my**
 15 **head over and said, you need to do what's right for**
 16 **you. And she actually left.**

17 **Q. Did she leave when you said that?**

18 **A. I'm not sure it was right then, but she**
 19 **was gone real soon after.**

20 **Q. How loud was the voice she using when she**
 21 **was speaking of her discomfort?**

22 **A. It was enough that she rallied a good**
 23 **five or six people in the neighborhood to start**
 24 **chanting back at her that she could do it.**

25 **Q. Do you know where James Ray was seated in**

1 the structure?

2 **A. I think he was over here.**

3 **Q. Do you recall hearing him saying anything**
 4 **to this girl who was whimpering?**

5 **A. Not specifically.**

6 **Q. Did you hear anybody else talking around**
 7 **that round?**

8 **A. Somewhere around that round -- I know it**
 9 **was an early round. Somewhere around that round**
 10 **was -- I heard the screams when Lou fell into the**
 11 **pit.**

12 **Q. How did you become aware that it was Lou**
 13 **and that he had fallen into the pit?**

14 **A. I heard him scream. I heard somebody say**
 15 **he'd fallen in. And I remember thinking, oh, God.**
 16 **We just started and we're already having problems.**
 17 **And I didn't find out who he was until afterwards.**

18 **Q. Did you know at the time what happened to**
 19 **this person who had fallen in the pit?**

20 **A. No.**

21 **Q. Do you know if he got out?**

22 **A. Yes. He got out.**

23 **Q. Do you know how he got out?**

24 **A. There was a big scuffle going on on the**
 25 **other side. I don't know specifically. I think**

1 **people helped him get out.**

2 **Q. Did the round stop?**

3 **A. No.**

4 **Q. When Lou fell in the pit?**

5 **A. Not that I recall.**

6 **Q. Do you know if Lou got out during or**
 7 **after a round?**

8 **A. I'm not sure.**

9 **Q. Were you aware of Mr. Ray at all saying**
 10 **anything or reacting when Lou fell in the pit?**

11 **A. I remember a comment about us needing to**
 12 **leave clockwise, not head straight for the door.**

13 **Q. When was that comment? You're saying**
 14 **that's a comment by Mr. Ray?**

15 **A. Yes. I believe that was after Lou fell**
 16 **in the pit.**

17 **Q. Did you ever -- were you ever aware of**
 18 **Mr. Ray discussing the possibility that people**
 19 **would pass out in his sweat lodge ceremony?**

20 **A. Yes.**

21 **Q. When did he discuss that with you?**

22 **A. Before we went to change, while he was**
 23 **talking about his -- how amazing his lodge was, he**
 24 **said, you may think you're going to die, but you**
 25 **won't. And I think -- I think both then and also**

1 **once we were inside, you may feel it. You may pass**
 2 **out, but that's okay. We'll get you out.**

3 **Q. Again, as an analytical person, what was**
 4 **your reaction to the idea that you might pass out**
 5 **in the sweat lodge ceremony?**

6 **MR. LI: Objection. Relevance.**

7 **THE COURT: Overruled. You may answer that.**

8 **THE WITNESS: I thought it was hyperbole,**
 9 **honestly.**

10 **Q. BY MS. POLK: And when you say**
 11 **"hyperbole," what do you mean?**

12 **A. I just thought he was doing over-the-top**
 13 **marketing for the sweat lodge and that it was**
 14 **actually going to turn out to be -- you know -- we**
 15 **sat in the sauna and sang songs.**

16 **MS. POLK: Your Honor, do you want to take the**
 17 **afternoon break?**

18 **THE COURT: We can do that. Thank you,**
 19 **Ms. Polk.**

20 **MS. POLK: Thank you.**

21 **THE COURT: Ladies and gentlemen, we will take**
 22 **the afternoon recess. Please be back in the jury**
 23 **room at 10 after 3:00, little over 20 minutes.**

24 **Remember the admonition.**

25 **I'll tell the witness, Ms. Gennari, the**

1 rule of exclusion has been invoked. That means you
2 can't discuss the case or your testimony with
3 anyone. You need to avoid any kind of exposure to
4 the case. I'll talk to you more about that later.
5 But please remember that at this time. We will all
6 be in recess now. Thank you.

7 (Recess.)

8 THE COURT: The record will show the presence
9 of Mr. Ray, the attorneys, the jury. And the
10 witness, Ms. Gennari, has returned to the stand and
11 is under oath, of course.

12 Ms. Polk.

13 MS. POLK: Thank you, Judge.

14 Q. Ms. Gennari, before I pick up where we
15 left off, I want to backtrack a little bit.
16 Because I asked you about gathering around a fire
17 and throwing your writings into the fire. I'm
18 going to put up on the overhead Exhibit 145, which
19 is the exhibit I had you look at before.

20 Do you recall whether there was more than
21 one fire outside the sweat lodge structure?

22 A. I believe there were two.

23 Q. And I directed your attention to this
24 fire. Do you know if this is the fire that you
25 gathered around, or could you have gathered around

1 a second fire?

2 A. I think that's the rocks fire. We were
3 on another one.

4 Q. Okay. You believe this is the fire where
5 the rocks were being heated?

6 A. I think so. I think that was the one
7 closer.

8 Q. Closer to what?

9 A. Closer to the lodge.

10 Q. Where do you think the second fire was?

11 A. Closer to the viewer as you look at that
12 picture.

13 Q. And you believe it's the second fire that
14 you gathered around?

15 A. I think so.

16 Q. And not this fire?

17 A. I believe so.

18 Q. We were -- you had testified about the
19 man you later learned it was Lou who fell into the
20 pit. Did you hear Mr. Ray say anything when Lou
21 fell into the pit?

22 MR. LI: Objection. Asked and answered.

23 THE COURT: Overruled.

24 THE WITNESS: All I remember was a comment
25 about the importance of us leaving in a clockwise

1 fashion.

2 Q. BY MS. POLK: Okay. Did there come a
3 time when you heard comments about a light?

4 A. Yes.

5 Q. Do you recall when within the ceremony
6 itself was that?

7 A. It would have been in four, five or six.

8 It would have been the middle rounds.

9 Q. Tell the jury what you recall.

10 A. I recall hearing Mr. Ray say -- ask who
11 has a flashlight? Put that light out. And it was
12 very angry and that the light was sacrilegious.
13 And he just kept carrying on about it until finally
14 the light went away. I didn't know at the time
15 that it was the side of the tent. I did see a
16 light.

17 Q. Let me put back up our little simple
18 diagram and ask you to draw on here where you just
19 said you saw light.

20 A. I think it was over in this area
21 somewhere.

22 Q. How did you become aware of the light?

23 A. It actually did hit me in the eye.

24 Q. Were you lying down or sitting up at that
25 point?

1 A. I was lying down.

2 Q. Do you have any idea how extensive the
3 light was?

4 A. It was more -- it was definitely
5 localized to that area. But it was really bright.

6 Q. Do you have any sense of how long the
7 light was there?

8 A. Well, at the time it felt like forever.

9 Because instead of continuing with the ceremony, he
10 was ranting and raving and very unhappy with
11 whoever had made that light. I just wanted that to
12 be over with so we could get this over with.

13 Q. You used the words Mr. Ray was very
14 angry, and now you just said "ranting and raving."
15 Tell the jury what you heard and what the tone of
16 voice was Mr. Ray was using.

17 A. It was an angry tone of voice, not so
18 much as a yell. But if somebody had been on stage
19 using that voice, you would have heard them in the
20 back row. Projected from the gut. It's the not
21 quite screaming but you're definitely being yelled
22 at voice.

23 Q. How did you react to that?

24 MR. LI: Your Honor, objection. Relevance.

25 THE COURT: Overruled.

1 You may answer that.

2 THE WITNESS: At that point, like I said, I
3 was -- I was annoyed that it was -- that this whole
4 exchange was delaying things. And I recall having
5 a fleeting thought about how typical that was for
6 him to get pissed off when something didn't go
7 exactly right.

8 MR. LI: Objection. Move to strike.
9 Nonresponsive. 403 line of questioning, Your
10 Honor.

11 THE COURT: Overruled.

12 Q. BY MS. POLK: Ms. Gennari, did you ever
13 become aware of somebody being dragged out?

14 A. Yes.

15 Q. When was that?

16 A. I think the draggings started somewhere
17 in three or four.

18 Q. And you just said "draggings," plural.
19 Tell the jury what you saw.

20 A. I kind of glanced under my arm. Because
21 I had my hands up by my face and had my cheek on
22 the ground. And I glanced under my arm, and I saw
23 a couple of guys wrestling another guy out.

24 Q. Do you know who any of those guys were?

25 A. I think the guy they were dragging out

1 was Sean Ronan. He's was kind of raving and
2 thrashing. They were trying to drag him out.

3 Q. Will you show on our diagram where that
4 occurred.

5 A. That was kind of over in this area.

6 Q. Did you see what direction the person was
7 dragged out?

8 A. Around and out.

9 Q. Was that during a round or between
10 rounds?

11 A. I think that was between rounds.

12 Q. Did you see Mr. Ray do anything with
13 respect to that person being dragged out?

14 A. No.

15 Q. Did Mr. Ray stop his ceremony?

16 A. No.

17 Q. Did you see other people being dragged
18 out?

19 A. I heard at least one other.

20 Q. Tell the jury what you heard.

21 A. A couple of people discussing where to
22 grab somebody and the sound of someone being
23 dragged across gravel.

24 Q. Was the floor in that sweat lodge
25 structure gravel?

1 A. Yeah. Very fine, fine gravel.

2 Q. Do you know who that was, that second
3 person was that was being dragged out?

4 A. No.

5 Q. Do you know what path was taken to get
6 that person out?

7 A. I think it was a similar path.

8 Q. Did you hear anybody say anything about
9 that person being dragged out?

10 A. I don't recall.

11 Q. Did Mr. Ray stop the ceremony for that
12 person?

13 A. No.

14 Q. What do you recall happening next?

15 A. Round 4 was the first one where I got
16 uncomfortable. The flap closed. And when the
17 water hit, I felt the steam come up my back. And I
18 remember thinking oh, my God. I hate this.

19 Q. At that point were you sitting or lying
20 down?

21 A. I was lying on my face already.

22 Q. Will you put yourself back on the
23 overhead.

24 Between rounds, were you able to get any
25 fresh air?

1 A. I got a little bit between rounds.

2 Q. Do you know where it was coming from?

3 A. From the flap.

4 Q. When the water was thrown on the rocks,
5 around round 4 and you felt the steam roll over
6 your back, did you think about getting out?

7 A. Not at that point. That was the first
8 time that I was uncomfortable and went, wow. And
9 some piece of my mind kept going, well, we can't
10 get much hotter than this really. I literally
11 didn't know it was possible with hot rocks to keep
12 raising that temperature.

13 Q. What happened next?

14 A. After round 4 I thought about leaving and
15 then talked myself out of it for some reason. Then
16 5 and 6 kind of run together a bit.

17 At the end of round 6 I peeked under my
18 arm and I looked at Liz. And I thought, jeez. She
19 doesn't look very good and had this whole
20 discussion with myself. Well, she's done this four
21 or five times before. She knows what this is
22 about. And this has been done a whole bunch of
23 times before. My assumption was that it was always
24 the same. And I'm not supposed to interfere with
25 her experience. Well, okay.

1 So I should just -- I have to leave her
2 alone. I have to go back to concentrating on my
3 cool fingers and the breeze I can feel because I
4 shoved my fingers under the tent digging deeper
5 into the dirt looking for a cool -- something cool
6 that I could put all of my concentration on so I
7 wouldn't think about how hot my back was.

8 Q. Tell the jury what about Liz made you
9 think she's not looking well.

10 A. She looked on top of being -- obviously
11 being soaked and sweaty, the look on her face was
12 very similar to somebody who is very drunk. She
13 was sort of spacey and lolling her head. It was
14 just a flash. She just didn't look good.

15 Q. Where was Liz at that point?

16 A. She was sitting. She was sitting about
17 even with my right hip. She should have been
18 somewhere around here.

19 Q. She was still sitting?

20 A. Yeah.

21 Q. How was she sitting?

22 A. At that point she was still sitting up
23 clutching her knees.

24 Q. And you said you thought to yourself,
25 well, we're not supposed to interfere with her

1 experience?

2 A. Yes.

3 Q. Why did you think that?

4 A. Because I'd heard it so many times at
5 past -- both in past events that we were supposed
6 to let other people have their experiences and not
7 interfere with them.

8 Q. Had you also heard that at Spiritual
9 Warrior 2009?

10 A. Yes.

11 Q. Is that normally you?

12 A. No.

13 Q. How was that different than what would
14 normally be you?

15 A. I think that's one of the things that's
16 been so difficult about this is -- you know --
17 under stress some people underperform, some
18 overperform. I'm an overperformer. I take over.
19 I start ordering people around. I use it to my
20 advantage. I do it in my job. When things start
21 to go wrong, I start assigning people duties and
22 start juggling the balls, keeping everyone else out
23 of the way. That's normal me.

24 But I overrode that because I was in this
25 special situation. And I had suspended normal me

1 in order to have this experience that I thought I
2 was going to come out of with a bigger me.

3 Q. Did you think you had to suspend the
4 normal you to have the experience that you had
5 signed up for?

6 A. Yes.

7 Q. Why did you think that?

8 A. Because what I felt at the time was that
9 my living in my head, my shyness, my normal
10 introverted ways, were -- with nice, big walls
11 around me was -- was what was keeping me from
12 growing.

13 And so when I went, I would think, okay.
14 I'm going to try having a week without any of that.
15 I'm going to try being, quote, unquote, not me, for
16 this week to see if I come out with -- to see if
17 some of those new things would stick.

18 I think I started this -- I started the
19 path at the end of these seminars at a point in my
20 life where I wasn't completely satisfied with what
21 I saw. And so when it was put to me that, oh,
22 well. Here. Drop normal you and do all these
23 things and then you will end up -- you know --
24 bigger, stronger, faster; I thought, okay. I'll
25 try that. Maybe it will do something.

1 From where I am now, that sounds stupid.
2 From where I was at the time, it seemed like the
3 thing to do.

4 Q. You also testified that you thought to
5 yourself with respect to Liz Neuman, well, she had
6 done it many times before. Why did you believe Liz
7 had done it many times before?

8 A. I knew through Laura that Liz had been to
9 multiple Spiritual Warriors as both participant and
10 Dream Team.

11 Q. What happened next with respect to Liz
12 Neuman?

13 A. That was the end of 6. At the end of
14 round -- but through round 7 I was really
15 struggling. I had started a chant in my head just
16 to distract myself. And then at the end of
17 round 7, Laura poked me and said, help me with Liz.
18 She's leaning on me and I can't hold her up by
19 myself.

20 And at first, I thought, oh, my God. I
21 can't do that. I'm barely hanging on here. And
22 then I thought somebody needs my help. I need to
23 rise to that occasion.

24 So I rolled over on my side and Laura
25 rolled over on hers, and we kind of stacked our

1 knees. And Liz was leaning on us. And I was
2 mostly -- I was more on my back than on my side at
3 that point. I found that it was too much
4 elevation. The change from my face in the dirt to
5 my face up, I couldn't breathe. I just -- I felt
6 like I was suffocating. And then to be touching
7 people and exerting myself to hold her up.

8 And at some point Laura asked, Liz, Liz,
9 do you want to leave?

10 And Liz went, no, no, no. And at the
11 time we both believed her. You know. At this
12 point to me it seems like the no, no, no -- you
13 know -- the friend you really need to take the keys
14 from and not let them drive home.

15 But so we were trying to hold her up, and
16 she was leaning on our legs. And I was just
17 struggling more and more and more until I got to a
18 point where I was just about panicked. And I said,
19 I can't do this. I got to go. And Laura said,
20 okay.

21 Q. And before you continue on, I want to
22 back you up. How did Liz get from where she was
23 seated to leaning on your knees that were
24 intertwined with Laura's knees?

25 A. Somewhere in there she went from sitting

1 up holding herself to leaning back on Laura's
2 knees. So by the end of round 7 when Laura poked
3 me, Liz was leaning on Laura's knees and kind of
4 starting to fall over a little bit my direction.
5 And Laura was struggling to move her knees in such
6 a way that she would hold her upright.

7 Q. Do you know whether Liz Neuman could sit
8 up on her own at that point?

9 MR. LI: Objection. Calls for speculation.

10 THE COURT: That called for a yes or no.

11 You may answer that if you can. If you
12 can respond yes or no, you may do that. If you
13 can't, then let the attorney know that.

14 THE WITNESS: I'm not sure.

15 Q. BY MS. POLK: Did you observe how Liz got
16 from leaning on just Laura to leaning on your knees
17 as well?

18 A. Yes. Laura continued -- as we made that
19 stack of our knees, Laura continued to make sure
20 she was positioned, and I made sure I was
21 positioned such that we wouldn't fall over. But
22 she probably would have fallen over if we hadn't.

23 Q. Liz would have fallen over?

24 A. Yeah.

25 Q. Which way?

1 A. Towards me.

2 Q. If your knees hadn't been there?

3 A. Yes.

4 Q. Before Laura called your attention to
5 Liz, had you noticed anything more about Liz?

6 A. No. I was at that point barely even
7 mentally aware of anything except chanting in my
8 head whatever I could think of that made me happy
9 interspersed with I really want this over.

10 Q. Did you ever hear Laura Tucker call out
11 anything to James Ray about Liz Neuman?

12 A. Yes. At one point she called out that
13 Liz was in trouble. And James Ray yelled back that
14 Liz knew what she was doing.

15 Q. Do you know what round that was or when
16 that was approximately?

17 A. Six or seven probably.

18 Q. Did you hear Liz Neuman respond when
19 James Ray said, Liz knows what she's doing?

20 A. No.

21 Q. The voice that Liz Neuman used when she
22 told Laura Tucker, no, no, no, I don't want to get
23 out -- how loud was that voice?

24 A. Not very loud.

25 Q. And what do you recall specifically Liz

1 Neuman saying?

2 A. All I remember her saying was, no, no,
3 no.

4 Q. Slurred like you just said?

5 A. Yes. Like, really somebody who's very,
6 very, very drunk.

7 Q. What happened next, then, for you?

8 A. Well, Laura said -- so I told Laura -- I
9 said, I can't do this. I have to go. And Laura
10 said, that's okay. I'll take care of Liz. And I
11 took off crawling as fast as I could clockwise
12 around the circle just, like, totally freaked out.
13 The gravel was ripping my knees and my feet and my
14 hands.

15 Q. Do you know when this was that you were
16 trying to get out?

17 A. This was between seven and eight.

18 Q. How many rounds do you believe there
19 were?

20 A. Eight.

21 Q. Was the flap open at this time?

22 A. Yes.

23 Q. Show the jury what direction you chose to
24 try to get out.

25 Can I ask you, Ms. Gennari, if you were

1 so desperate to get out, why you didn't just get
2 out this way?

3 MR. LI: Objection. Form of the question.

4 THE COURT: You may answer that if you can.

5 THE WITNESS: We were instructed numerous
6 times that we were only allowed to move clockwise.
7 And at previous events we had done things in
8 circles and were only allowed to move clockwise.
9 Even in gigantic circles, if you had to go to the
10 bathroom and you were sitting in the wrong place,
11 you had to walk all the way around the circle to
12 get out of the room.

13 Q. BY MS. POLK: Why did you still care at
14 this point about Mr. Ray's rules?

15 A. **At that point I wasn't thinking. I was**
16 **panicking.**

17 Q. What happened as you tried -- as you
18 crawled trying to get out between -- before the
19 last round?

20 A. **I got to about four feet from the door.**

21 Q. Show us where, then, on the --

22 A. **About probably about here.**

23 Q. All right.

24 A. **When Mr. Ray bellowed at me, no. You're**
25 **too late. The door is closing. We're starting**

1 **again. Find yourself a spot.**

2 **And I just -- I froze, and I glanced over**
3 **my shoulder, and I saw a space and dove for it.**
4 **And I thought well, I'll lie on my face the same**
5 **way I was on the other side.**

6 Q. You were how many feet from the entrance?

7 MR. LI: Objection. Asked and answered.

8 THE COURT: Overruled.

9 You may answer that.

10 THE WITNESS: I think I was about four feet
11 from the door.

12 Q. BY MS. POLK: Was the flap still open at
13 that point?

14 A. **Yeah.**

15 Q. Did you see the flap, then, close?

16 A. **Not until after he yelled at me and I**
17 **went and flipped over.**

18 Q. Where did you find a spot?

19 A. **Ended up pretty much opposite my first**
20 **spot.**

21 Q. Then what happened?

22 A. **And then -- well, I thought I would do**
23 **the same thing I had done on the other side. The**
24 **ground was much, much, much hotter on that side.**
25 **Even digging under it, it was still hot. It**

1 **wasn't -- there was no relief. There was no cool**
2 **dirt underneath.**

3 **I went to push my fingers out to see if I**
4 **could get under the side of the tent, and they hit**
5 **the side of the tent. It was kind of buried on**
6 **that side. I couldn't get under it. And I gritted**
7 **my teeth.**

8 **And that point the round started. I**
9 **think I probably started whimpering. In my head I**
10 **just kept thinking I just want this over. I want**
11 **this over right now. And then at the end of the**
12 **round, the flap was lifted, and I finally felt some**
13 **breeze. My heart was going about a million miles**
14 **an hour.**

15 **And I just -- I had been tensed that**
16 **whole time. I just kind of collapsed, from lying**
17 **down to collapse. But it was a relaxation onto the**
18 **ground.**

19 **And then I remember -- I remember Mr. Ray**
20 **saying -- you know -- being undecided which row was**
21 **going to leave first. I don't remember which order**
22 **it was. But it was front row go first or back row.**

23 **I just sat there. And I remember it**
24 **flitting across my brain, well, gee. I'm lying**
25 **across both rows. Which row am I?**

1 **And then I blacked out. I don't remember**
2 **anybody leaving. The next thing I knew, I looked**
3 **around and there were -- they were dragging**
4 **somebody out past me. And then there were other**
5 **people in the back of the tent. And I crawled a**
6 **little bit closer to the door. Then I dropped down**
7 **again to rest.**

8 **And then some woman grabbed my arm and**
9 **started to drag me. And then I went, wait, wait.**
10 **Let me -- let me crawl. And she said, come on.**
11 **You have to get out of here.**

12 **Let me crawl. Let me do it on my own.**
13 **She said, well. Crawl fast.**

14 **And right when I hit the door, she hooked**
15 **an arm under me and threw me out the tent. And I**
16 **landed face first in the mud outside.**

17 **And then I was there for a little bit**
18 **just kind of stunned and woozy and nauseated,**
19 **elevated heart rate. And somebody hit me with a**
20 **very cold hose, and then I rolled over on my back.**
21 **I still had my eyes closed because they were full**
22 **of mud.**

23 **I realized I was still too hot, so I**
24 **waved my arms around and pointed at myself. And**
25 **somebody hit me with the hose on the front side.**

1 And then I still had mud in my eyes, so I
2 started waving my hands around again. My eyes. My
3 eyes. I've got dirt in my eyes. Somebody dumped a
4 bucket of water on my face, most of which I think
5 went up my nose.

6 And suddenly Laura was there with her
7 water bottle, and she actually used her water
8 bottle and fingers to clean the mud off me.

9 And at that point I sat up. And I was
10 facing the tent. And there was a woman lying on
11 the ground perpendicular to us. And there were a
12 bunch of people doing CPR down the side of the
13 tent. There were people lying on the ground
14 everywhere.

15 I remember thinking we looked like
16 rehearsals for M.A.S.H., and we'll come back
17 tomorrow do it in costume.

18 Q. Let me back you up a little bit. You
19 talked about before that last round began, crawling
20 around to get out and stopping at this point
21 because Mr. Ray stopped you.

22 MR. LI: Objection to the form of the
23 question. Argumentative.

24 THE COURT: Overruled.

25 You may continue.

1 Q. BY MS. POLK: Why, Ms. Gennari, since you
2 wanted to get out, did you not just keep going and
3 get out?

4 A. I froze. I didn't stand a chance. I was
5 tired. I was hungry. I was terrified. I was
6 panicking. I just -- none of my rational senses
7 were functioning at that point. Someone yelled
8 stop at me, and I did.

9 Q. And you just said "someone." Who was
10 that someone?

11 A. James Ray.

12 Q. What kind of voice did he use?

13 A. Authoritative.

14 Q. And how loud of a voice?

15 A. It was loud to me.

16 Q. What did he say that made you freeze?

17 A. He said, no. You're too late. We're
18 starting again. Find yourself a spot.

19 Q. Were you aware before that last round of
20 people coming in?

21 A. I think every round there was a little
22 bit of shuffle.

23 Q. And were you aware of Mr. Ray, before
24 that last round started, asking people to come in
25 for the last round?

1 A. Yes.

2 Q. Where were you, if you know, when Mr. Ray
3 was inviting people to come in for the last round?

4 A. I was still in my original position.

5 Q. When did you make your decision that you
6 needed to get out before that last round?

7 A. It was toward the end of the break
8 between rounds. Everybody had come in. There was
9 nobody still trying to come in when I got close to
10 the door.

11 Q. Why did you not try to get out a little
12 bit sooner during that break between rounds?

13 A. I was still trying to help Laura with
14 Liz. And I kept trying to find a way I could do
15 that. And I kept trying to stay and keep my knees
16 in that position and get my face down at the
17 ground.

18 We were all so slippery by that point,
19 Liz would start to fall over and slip, and I'd have
20 to stop trying and then try again. And Liz would
21 slip, and I had to move back. I was feeling it was
22 just too much.

23 Q. You described Liz as slipping. Did she
24 appear to you to be conscious at that time?

25 A. If so, then barely.

1 Q. Were you conscious or were you aware of
2 more rocks being brought in for that last round
3 once you had found your new spot?

4 A. I don't know.

5 Q. Were you aware of more water?

6 A. Yes.

7 Q. What made you aware of more water?

8 A. The blast of steam.

9 Q. Where were you when you felt another
10 blast or a blast of steam?

11 A. That was in my second -- my second spot.

12 Q. Do you know -- let me ask you this: When
13 somebody came in to try to drag you out, why did
14 you want to crawl out on your own?

15 A. I didn't want to be dragged across the
16 gravel. I had already ripped most of the skin off
17 my knees and had gravel embedded in my face, in my
18 hands. I just didn't want to be dragged across
19 more rough gravel.

20 Q. You testified that somebody near the
21 entrance grabbed you. And I think your words were
22 threw you out?

23 A. Yes.

24 Q. Do you know who that was?

25 A. No, I don't. Same woman who was trying

1 **to grab my arm.**

2 **Q.** I'm going to put up on the overhead
3 Exhibit 144 to ask you if you are able to identify
4 the spot where you ended up outside Mr. Ray's sweat
5 lodge ceremony?

6 **A.** **If that's the door, then I probably ended**
7 **up roughly here.**

8 **Q.** You testified that somebody hit you with
9 a hose or water. Do you recall that?

10 **A.** **Yes.**

11 **Q.** Do you recall how that made you feel?

12 **A.** **At first it was nice, and then it was**
13 **really cold.**

14 **Q.** What kind of sensation did it give you?

15 **A.** **It was a shock when it first hit because**
16 **I was so hot and it was so cold. And then when**
17 **they went away, I had this very strange sensation**
18 **that my back was cold, but my face and the rest my**
19 **front side that still on the ground was still too**
20 **hot and my heart was still racing.**

21 **That's why I flipped over and waived my**
22 **hands around to get hit on the other side to cool**
23 **off. I was still overheated.**

24 **Q.** How was it, then, with -- did you get hit
25 again with some more water?

1 **A.** **Yeah.**

2 **Q.** How did that make you feel?

3 **A.** **Then I was cold.**

4 **Q.** Did you have any issues with breathing?

5 **A.** **I did inside. Yes.**

6 **Q.** And once you were outside?

7 **A.** **Once I was outside, I didn't have issues.**
8 **I was more concentrating on my heart rate racing**
9 **and my head was spinning. And my breathing was**
10 **just more the -- my breathing went with that.**

11 **Q.** How long did it take you to cool down?

12 **A.** **It didn't take long. Once that second --**
13 **once that second hosing off hit me, I was cold.**

14 **Q.** At any point -- I'm going back to now
15 Mr. Ray's sweat lodge ceremony. At any point
16 during that ceremony did you hear Mr. Ray make
17 comments about other people inside?

18 **MR. LI:** Objection. Form of the question,
19 ambiguous as to time, calls for a narrative.

20 **THE COURT:** It actually calls for a yes or no
21 response at any point.

22 If you can answer that, you may.

23 **THE WITNESS:** Yes. There were various
24 comments.

25 **Q.** **BY MS. POLK:** What do you recall hearing?

1 **MR. LI:** Your Honor, just a time frame.

2 **THE COURT:** Foundation. Sustained as to
3 foundation.

4 **Q.** **BY MS. POLK:** Let me ask you more
5 specifically. Did you ever hear voices coming from
6 this area?

7 **A.** **Yes.**

8 **Q.** When?

9 **A.** **Probably between rounds five and six,**
10 **somewhere in there.**

11 **Q.** What do you recall hearing?

12 **A.** **I remember somebody yelling, she's not**
13 **responding. And I remember at another point**
14 **somebody saying, she's not breathing.**

15 **Q.** When you say "another point," do you know
16 what round you heard she's not breathing?

17 **A.** **I don't know what round it was.**

18 **Q.** Was it before or after you heard the
19 she's not responding comment?

20 **A.** **I believe it was after.**

21 **Q.** Was it a male or a female voice that
22 said, she's not breathing?

23 **A.** **I don't know.**

24 **Q.** Did you hear Mr. Ray respond when
25 somebody said, she's not breathing?

1 **A.** **Yes. He said, leave her there. We'll**
2 **deal with her at the end of the round.**

3 **Q.** You're sure it was Mr. Ray who said that?

4 **A.** **Yes.**

5 **Q.** Where were you when you heard Mr. Ray
6 say, leave her there? We'll deal with her at the
7 end of the round?

8 **A.** **I was in my original spot.**

9 **Q.** Did you later become aware of who that
10 was, who was calling out?

11 **MR. LI:** Objection. Calls for speculation.

12 Lack of foundation.

13 **THE COURT:** Sustained.

14 **Q.** **BY MS. POLK:** Did you know someone named
15 Stephen Ray?

16 **A.** **Yes.**

17 **Q.** Did you know Stephen from prior events?

18 **A.** **No.**

19 **Q.** You met him during the week of Spiritual
20 Warrior 2009?

21 **A.** **Yes.**

22 **Q.** When the --- when Mr. Ray's sweat lodge
23 ceremony was over, did you become aware of Stephen
24 Ray?

25 **A.** **Yes.**

1 Q. I've just put back up on the overhead
2 Exhibit 144. Can you show the jury where Stephen
3 Ray was when you became aware of him.

4 A. So I was about here. Stephen Ray was
5 about five feet from me. Over there.

6 Q. How much time had passed since you got
7 out of the tent, did you become aware of Stephen
8 Ray?

9 A. I don't know exactly. But it wasn't
10 long.

11 Q. You described getting hosed off a couple
12 times, having Laura help you clear your eyes. Was
13 it before or after that?

14 A. After.

15 Q. What made you became aware of Stephen
16 Ray?

17 A. Once Laura cleared my eyes, I sat up, and
18 we both we kind of leaned on each other a little
19 stunned. Somebody had given her a towel, and I was
20 starting to shake so she wrapped the towel around
21 me. We sat there in the towel looking around.

22 And then at one point she poked me and
23 pointed across me and said, hey. That guy needs
24 help. Go hold his hand. And I looked over I saw
25 him lying there. And I crawled across. He was

1 lying down under a blanket. And his eyes were red
2 and they were rolling all over his head. His nose
3 was running, and he was breathing really fast,
4 like, kind of super fast.

5 I reached out and I grabbed his hand, and
6 it felt dead. It was really creepy. I grabbed his
7 hand, and I held it, and I got up in his face. And
8 somebody was sitting behind him saying, squeeze her
9 hand, squeeze her hand. I started -- I squeezed
10 his hand hoping that he would squeeze me back. And
11 I kept begging him to squeeze my hand. And I
12 reached under the blanket, grabbed his other hand
13 in case he was squeezing the wrong one.

14 I got real close to his face, and I
15 breathed slowly and deeply as I could in hopes that
16 he would mimic me, that somehow that would get
17 through. Because he was not there.

18 And I stayed there on the ground with him
19 for a very long time. And somebody at one point
20 came along and tossed a blanket over me too.

21 And then a little later -- and at this
22 point I didn't know who he was. I didn't recognize
23 him in that state. And Loui Nelson came up behind
24 him, and she asked me, who is this? I said, I
25 don't know. I've been sitting here begging him to

1 squeeze my hands.

2 MR. LI: Your Honor, I'm going to object as a
3 narrative.

4 THE COURT: Sustained.

5 Q. BY MS. POLK: You said Loui Nelson came
6 up to you?

7 A. Yes.

8 Q. Is that the first name? Loui?

9 A. Yes. She dropped the s-e. I think it
10 was Louise at one time.

11 Q. What did you say to Louise when she came
12 up to you?

13 A. I told her I was cold, and she gave me
14 her shirt.

15 Q. And meanwhile what were you doing -- when
16 did you recognize it was Stephen Ray?

17 A. She asked, who is this? And somebody who
18 was nearby leaned over and looked around and told
19 us, oh. That's Stephen Ray. So then I started
20 using his name as well.

21 Q. How long were you with Stephen Ray?

22 A. It was a long time. I was there with him
23 until the paramedics actually picked up the
24 backboard. I was there while they picked him up
25 and didn't let go until they took him away.

1 Q. You testified earlier that you became
2 aware of a group doing CPR?

3 A. Yeah.

4 Q. Where were you when you became aware of
5 that other group?

6 A. That was when Laura and I first sat up
7 and we could see down the right side of the tent.
8 We could see the activity.

9 Q. And it was after that that you went over
10 to Stephen Ray?

11 A. Yes.

12 Q. Did you notice whether anyone had cooled
13 Stephen Ray off with water?

14 A. I don't know.

15 Q. Did you notice whether it was wet around
16 him?

17 A. It was wet everywhere.

18 Q. When did you first become aware that
19 emergency responders had arrived at the scene?

20 A. It was while I was on the ground with
21 Stephen. I saw some ambulances pull up. And then
22 I heard helicopters coming. And then they came and
23 started doing triage.

24 Q. How quickly did paramedics come to tend
25 to Stephen Ray?

1 **A. It felt like a long time. I'm not sure**
2 **exactly.**

3 **Q. Did it appear -- do you know whether**
4 **emergency responders were tending to other people**
5 **before Stephen Ray?**

6 **A. I know that they -- there was one person**
7 **they were -- they were checking people quickly as**
8 **they kind of ran through. And I know they checked**
9 **a few. They checked on a few people. And one guy**
10 **started working on someone else close to me. And**
11 **then a female paramedic came over to work on**
12 **Stephen. I remember telling her -- you know -- if**
13 **I'm in your way, I'll leave. And she said, no.**
14 **Stay there.**

15 **Q. Do you know when it was in terms of time**
16 **that Stephen Ray was taken away?**

17 **A. I don't know what time it would have**
18 **been.**

19 **Q. Can you recall whether it was light or**
20 **dark out?**

21 **A. Dusk. Starting to get -- it was starting**
22 **to get where it would be hard to read outside.**

23 **Q. What was the air temperature like at that**
24 **time?**

25 **A. Cold.**

1 **Q. And how were you feeling?**

2 **A. I was wet and cold and feeling horrible**
3 **and helpless. I didn't know what to do for him.**

4 **Q. Did you stay with Stephen Ray the whole**
5 **time?**

6 **A. Yes.**

7 **Q. How was Stephen Ray taken away from the**
8 **scene?**

9 **A. The paramedics put him on a board and**
10 **hooked various leads to him and carried him away.**

11 **Q. Did you see where he went from there?**

12 **A. No.**

13 **Q. Do you know how Stephen Ray got out of**
14 **the tent?**

15 **A. I don't know.**

16 **Q. You said that you were feeling cold and**
17 **helpless and horrible. What does the horrible**
18 **apply to? Physically how were you feeling?**

19 **A. Physically I was very tired. I was very**
20 **cold. I was chattering, shaking and lightheaded,**
21 **woozy from having gone from way too hot to way too**
22 **cold in a very short space of time.**

23 **Q. After Stephen Ray was taken away, where**
24 **did you go?**

25 **A. After he was taken away, I sat up sort of**

1 **looking around. And then somebody started yelling,**
2 **anybody who can walk, go up to dinner.**

3 **Q. Do you know who it was that yelled that?**

4 **A. I don't know.**

5 **Q. What did you do?**

6 **A. So I got up and I determined that I could**
7 **walk and headed for the path and went to shower.**

8 **Q. Did you go up by yourself?**

9 **A. No. Inga intercepted me on the path.**

10 **And I don't know what I must have looked like.**

11 **Because she grabbed me and started taking me in**

12 **hand. We're going to get your towel. And here's**

13 **your shampoo. And we're going to the bathroom. It**
14 **was like being six.**

15 **Q. Were you ever seen by the paramedics?**

16 **A. No.**

17 **Q. Did anybody ever look at you in your**
18 **condition that night?**

19 **A. No.**

20 **Q. Before you left the scene, were you aware**

21 **of -- you talked about being with Stephen Ray. You**

22 **talked about seeing a group doing CPR. Did you**

23 **know at the time who they were doing CPR on?**

24 **A. No.**

25 **Q. Did you ever see Liz again that night?**

1 **A. No.**

2 **Q. Once you were out of the tent, did you**
3 **see how other people got out?**

4 **A. When I crawled out of the tent, there was**
5 **only -- there were only -- I believe it was three**
6 **people in the tent. And two of them were dragging**
7 **the third one out the back.**

8 **Q. Do you know who those people were?**

9 **A. I didn't at the time.**

10 **Q. Why were you one of the last people to**
11 **get out of the tent? Do you know?**

12 **A. Because I blacked out while everyone was**
13 **leaving.**

14 **Q. Do you know how long you were blacked out**
15 **for?**

16 **A. I don't know.**

17 **Q. What do you next remember after blacking**
18 **out when it was time to leave?**

19 **A. The next thing I remember was that woman**
20 **picking up my arm to drag me out.**

21 **Q. Did that wake you up?**

22 **A. Yeah. I came to within a second of that.**

23 **Whether it was during or before, not sure.**

24 **Q. You testified earlier about the row of**
25 **people and then your positions -- this might be**

1 just rough. Was there ever a second row of people?
 2 **A. In the very beginning, yeah.**
 3 **Q.** Where did that row go?
 4 **A. In the beginning, if the back row came**
 5 **all the way around, then the front row went to**
 6 **about there, I think. We didn't have anyone in**
 7 **front of us at the beginning.**
 8 **Q.** And in terms of getting out and getting
 9 out clockwise from your new -- well. Put your
 10 final position on there.
 11 **A. I think I was about here.**
 12 **Q.** Where did people start leaving from?
 13 **A. I don't know. From the time everyone was**
 14 **given the green light to go, I've got nothing until**
 15 **the woman picked up my arm.**
 16 **Q.** Do you know if you started to leave?
 17 **A. I did not start to leave. There was**
 18 **still discussion about should the front row.**
 19 **Should the back row. I just dropped down and out,**
 20 **figured out whatever. There is nothing after that.**
 21 **Q.** Do you know who the woman is who grabbed
 22 your arm?
 23 **A. No.**
 24 **Q.** Is that the same woman who -- is that the
 25 same person who threw you out?

1 **A. Yes. Yes. She was very worked up, and**
 2 **we were almost yelling at each other, I think at**
 3 **that time. I didn't want to be dragged on gravel,**
 4 **and she wanted me out of there.**
 5 **Q.** Did anybody from Mr. Ray's staff ever
 6 assess whether or not you should have been seen by
 7 paramedics?
 8 **A. No.**
 9 MR. LI: Objection. Relevance. Subject to
 10 the conversations and emotions at the time, Your
 11 Honor.
 12 THE COURT: Overruled.
 13 THE WITNESS: No.
 14 **Q.** BY MS. POLK: Did Mr. Ray ever come to
 15 you while you were outside?
 16 **A. No.**
 17 **Q.** Were you aware of where he was?
 18 **A. No. Not until I started walking up to**
 19 **the room.**
 20 **Q.** What did you see then?
 21 **A. As I was walking up to dinner, he was**
 22 **walking back down from the direction of dinner.**
 23 **Q.** Did you go to dinner that night?
 24 **A. Yes.**
 25 **Q.** Tell the jury where that was.

1 **A. That was up in the dining hall.**
 2 **Q.** Were there many people up there for
 3 dinner?
 4 **A. We were fairly thin, but there were a**
 5 **decent number of people.**
 6 **Q.** Were you able to eat?
 7 **A. Sort of.**
 8 **Q.** How were you feeling at dinnertime?
 9 **A. I was feeling shaky, and I was feeling**
 10 **very cold. But I could feel my skin radiating**
 11 **heat. That feeling when you have a really bad**
 12 **sunburn and you think you're freezing, but your**
 13 **skin is putting off heat.**
 14 **And at the time, I thought, well, I went**
 15 **from really hot to really cold. Of course my**
 16 **temperature is all messed up.**
 17 **Q.** Where did you spend the night that night?
 18 MR. LI: Your Honor, objection. Relevance.
 19 THE COURT: Overruled.
 20 THE WITNESS: Well, that night I didn't get to
 21 leave the dining hall until 3:30 a.m. because of
 22 the interviews with the sheriffs. And then I went
 23 back to my cabin and slept for about three hours
 24 before going to breakfast.
 25 **Q.** BY MS. POLK: And that would be Friday

1 that you went to breakfast?
 2 **A. Yes.**
 3 **Q.** Did you leave Angel Valley that morning?
 4 **A. After breakfast a few of us went into**
 5 **Sedona just wandering around.**
 6 **Q.** How were you feeling then?
 7 **A. Shocked, numb, in the space. I think we**
 8 **walked in and out of every tourist trap there going**
 9 **shiny object, shiny object, just drained.**
 10 **Q.** Did you ever learn what happened to Liz
 11 Neuman?
 12 MR. LI: Objection. Calls for hearsay.
 13 THE COURT: Sustained.
 14 **Q.** BY MS. POLK: When did you leave Angel
 15 Valley to go home?
 16 **A. I didn't leave until Saturday morning.**
 17 **Q.** What did you do, then, all day Friday?
 18 **A. Friday was just going into town.**
 19 **Q.** How did you get from Angel Valley on
 20 Saturday back to California?
 21 **A. The same. The airport shuttle and then I**
 22 **got on the plane.**
 23 **Q.** Did the events of the week of Spiritual
 24 Warrior 2009, affect your mind-set inside Mr. Ray's
 25 sweat lodge ceremony?

1 MR. LI: Objection. Form of the question.
 2 THE COURT: If you can answer that, you may.
 3 THE WITNESS: Certainly.
 4 Q. BY MS. POLK: In what way?
 5 A. **Everything -- everything we did was about**
 6 **getting an order to do something uncomfortable and**
 7 **carrying through and doing it. And whether it was**
 8 **the writing, the staying up all night, the eating a**
 9 **vegetarian diet, having breaks when they were**
 10 **specified, the whole week just we were -- we were**
 11 **well trained to do as we were told by the end of**
 12 **that week.**
 13 MR. LI: Objection. Move to strike after
 14 "well trained."
 15 THE COURT: Sustained as to that last phrase.
 16 Q. BY MS. POLK: Let me ask you about -- you
 17 said getting breaks when you were told. Were you
 18 not permitted to leave an event when you wanted?
 19 A. **Trying to leave during -- while he was**
 20 **talking instead of at a break would usually get**
 21 **somebody hassled for it. We're going to talk about**
 22 **what you need. You're going to miss things that**
 23 **are important. You would get badgered into**
 24 **staying.**
 25 Q. And would that include -- did that affect

1 your -- how much you hydrated during the week?
 2 A. **Yes.**
 3 Q. And in what way?
 4 A. **I ran a little dry.**
 5 Q. How come?
 6 A. **Because I didn't want to have to -- I**
 7 **didn't want to have to be the person who couldn't**
 8 **stand it any longer and got up in the middle of**
 9 **something and got berated.**
 10 Q. During Mr. Ray's lectures during the week
 11 of Spiritual Warrior 2009, did he encourage people
 12 to express ideas that conflicted with his ideas?
 13 MR. LI: Objection. Argumentative, 403,
 14 relevance.
 15 THE COURT: Sustained.
 16 Q. BY MS. POLK: Did you ever observe any
 17 debate during the week about the ideas that Mr. Ray
 18 was teaching you?
 19 MR. LI: Same objection, Your Honor.
 20 THE COURT: Overruled.
 21 You may answer that.
 22 THE WITNESS: Any attempt at questioning was
 23 usually shut down.
 24 Q. BY MS. POLK: Shut down by whom?
 25 A. **Mr. Ray.**

1 Q. Explain to us what you mean that any
 2 attempt at questioning him was shut down?
 3 A. **Well, for instance, at one point there**
 4 **was an exercise where we were supposed to put a**
 5 **bunch of things on a piece of paper and then**
 6 **randomly cross off some of them. And what was left**
 7 **was supposed to represent what was important to us.**
 8 **And I noticed that after this exercise**
 9 **that what was left on the paper didn't match what I**
 10 **felt was my reality. And I raised my hand and**
 11 **asked and said, well, this doesn't feel right to**
 12 **me. And he, basically, blew me off and said, no.**
 13 **You're unconscious mind knows. That's really where**
 14 **you are. That's really who you are.**
 15 Q. You've told the jury about the phrase
 16 "let them have their own experience" and testified
 17 that you heard that. Is it your testimony that was
 18 said by Mr. Ray throughout the week?
 19 A. **At various -- Yeah. I don't know if he**
 20 **said it constantly. But it was said during the**
 21 **week.**
 22 Q. Did that phrase, "let them have their own
 23 experience," affect your mind-set when you were in
 24 Mr. Ray's sweat lodge ceremony?
 25 MR. LI: Objection. Leading.

1 THE COURT: Sustained.
 2 Q. BY MS. POLK: What affected your mind-set
 3 when you were in Mr. Ray's sweat lodge ceremony?
 4 A. **I was tired. I was hungry. I was**
 5 **thirsty. I was sleep deprived. I had been told**
 6 **repeatedly not to help people and to let them have**
 7 **their -- have whatever experience they were having**
 8 **and to play along.**
 9 Q. Did you believe that Mr. Ray knew what he
 10 was doing when he conducted the sweat lodge
 11 ceremony?
 12 A. **Yes.**
 13 Q. Why did you believe that?
 14 A. **Because he told us so.**
 15 Q. Did you believe that people would be
 16 taken care of inside Mr. Ray's sweat lodge
 17 ceremony?
 18 A. **Yes.**
 19 Q. And why?
 20 A. **To start with, it never occurred to me**
 21 **that they wouldn't. But also, even though I**
 22 **thought his comment about you might pass out was**
 23 **exaggeration, was over the top -- you know -- don't**
 24 **worry about it, we'll take care of you, I just**
 25 **thought, well. He's just saying you might be**

1 **uncomfortable but you'll be taken care of.**

2 Q. Did you suspend your own judgment inside
3 Mr. Ray's sweat lodge ceremony?

4 MR. LI: Objection. Leading.

5 THE COURT: Sustained.

6 Q. BY MS. POLK: Have you thought --
7 Ms. Gennari, since 2009 have you thought about your
8 own actions inside Mr. Ray's sweat lodge ceremony?

9 A. A lot.

10 Q. Have you thought about your own judgment
11 that you exercised?

12 A. Yes.

13 Q. And what have you thought about that?

14 A. Well, there is a part of me that
15 understands that all of those elements I listed --
16 the food, the water, the sleep -- were really
17 working against my natural capacities and that part
18 of me understands why I didn't take action.

19 There is still another part of me that
20 says why didn't you pick her up and drag her ass
21 out of there? And emotionally that's still what I
22 feel even though intellectually I understand how
23 that happens.

24 Q. And who was in charge of that sweat lodge
25 ceremony?

1 A. Mr. Ray.

2 Q. This may be a difficult question. But
3 did you feel -- before you passed out, did you feel
4 that you were going to pass out?

5 A. No, I didn't. I mean, I knew it was
6 horrible. I was chanting in my head I hate this.
7 I hate this. I want this over. I want this over.
8 I want this over, gritting my teeth and trying to
9 breathe as little as possible because it was
10 painful to breathe. I didn't know I was about to
11 pass out.

12 Q. Did you feel that you would be taken care
13 of by Mr. Ray inside his ceremony?

14 A. Yes.

15 Q. And with respect to the person who was
16 thrashing about -- I believe you thought it was
17 Sean Ronan -- can you describe that behavior for
18 the jury.

19 A. He was punching people and flailing. And
20 the other guys were trying to get a hold of him.
21 And he's a big guy, so it took a lot of them to try
22 to wrestle him into submission so they could drag
23 him out.

24 Q. Do you know about what round that was?

25 A. That was kind of in the middle.

1 Q. Did Mr. Ray stop the ceremony when Sean
2 Ronan engaged in that behavior.

3 A. No.

4 Q. Thank you, Ms. Gennari.

5 Thank you, Your Honor.

6 THE COURT: Thank you, Counsel.

7 Mr. Li.

8 MR. LI: Thank you, Your Honor.

9 CROSS-EXAMINATION

10 BY MR. LI:

11 Q. Good afternoon, Ms. Gennari. The first
12 thing I want to tell you, the fact that we're
13 objecting and all of that, that is the rules of the
14 court and the Court is making the call. That has
15 nothing to do with you.

16 MS. POLK: Your Honor, objection to that
17 statement.

18 THE COURT: You may proceed.

19 Q. BY MR. LI: Ms. Gennari, you're from
20 Redwood City in California?

21 A. Yes.

22 Q. Did you grow up there?

23 A. No.

24 Q. Whereabouts did you grow up?

25 A. All over the place.

1 Q. Maybe I misheard. I thought you spent
2 all but three years or something like that.

3 A. In California.

4 Q. In California. Got it. Now, have you
5 been in the Bay Area the whole time?

6 A. No.

7 Q. How long have you lived in Redwood City?

8 A. Six years.

9 Q. Six years. I actually come from Mountain
10 View originally. And Mr. Hughes himself comes from
11 Saratoga or something like that. So, howdy.

12 You're job is as a database operations
13 manager?

14 A. Yes.

15 Q. At Liquid Media?

16 A. Yes.

17 Q. And you have -- what are your duties
18 there?

19 A. I'm both hands on and I manage the other
20 people who manage the databases.

21 Q. How many people do you manage?

22 A. It was three. As the company is dying,
23 it's now one.

24 Q. And how long did you manage those three
25 people?

- 1 **A. A few years.**
 2 **Q.** Did you have any problems helping them
 3 know what they're supposed to do and assigning them
 4 to their tasks?
 5 **A. No.**
 6 **Q.** Did you have a boss?
 7 **A. Yes.**
 8 **Q.** Did you -- who is your boss? What's
 9 their position, his or her position?
 10 **A. Director of IT.**
 11 **Q.** And you are into the actual IT aspect;
 12 correct?
 13 **A. Meaning what?**
 14 **Q.** Sorry. Let me rephrase that. You're a
 15 technical person; correct?
 16 **A. Yes.**
 17 **Q.** You actually do programming and the like?
 18 **A. No.**
 19 **Q.** What do you do?
 20 **A. I manage the databases. It's a**
 21 **different -- it's not programming. It's database**
 22 **administration.**
 23 **Q.** And you have a college degree from UC
 24 Irvine, is it?
 25 **A. Yes.**

- 1 **Q.** What is the degree in?
 2 **A. Applied mathematics.**
 3 **Q.** So very analytical?
 4 **A. Yes.**
 5 **Q.** We're going to talk about the sweat lodge
 6 in a bit. But before we get there, I wanted to
 7 talk to you a little bit about sort of a lot of the
 8 discussion we had today about whether you agree
 9 with Mr. Ray's various philosophies and teachings
 10 and what have you or whether you disagree with
 11 them.
 12 Is it fair to say that his approach is to
 13 sort of aggressively challenge yourself and try to
 14 overcome various barriers?
 15 **A. Yes.**
 16 **Q.** And that there is a lot of sort of
 17 confront your various potential weaknesses and try
 18 to overcome them?
 19 **A. Yes.**
 20 **Q.** And for you and -- you know -- one of
 21 them, and I think you mentioned it on direct, is
 22 that you're sort of in your shell. Is that about
 23 right?
 24 **A. Yes.**
 25 **Q.** And that you are a bit of a loner?

- 1 **A. So --**
 2 **Q.** And that you don't surround yourself with
 3 people?
 4 **A. Right.**
 5 **Q.** And one of the things -- I don't want to
 6 pry much further than that. But one of things that
 7 you had discussed with Ms. Polk is that you had
 8 attempted to go to the Spiritual Warrior to
 9 confront those issues?
 10 **A. Partially.**
 11 **Q.** And by confronting them to overcome those
 12 issues?
 13 **A. Somewhat.**
 14 **Q.** Now, I believe you had said on direct
 15 that you did not take the mic at any point during
 16 the open-mic session and sort of tell what you were
 17 thinking about or what you were doing. Did you say
 18 that on direct examination?
 19 **A. Not exactly.**
 20 **Q.** You didn't say on direct examination that
 21 you were not the type of person who would grab the
 22 mic? Far from it? That you were the kind of the
 23 person who would stay back --
 24 **A. I said I'm not the type of person. I did**
 25 **not say I didn't do it.**

- 1 **Q.** Thank you. I just want to make sure I
 2 understand it. That's all. You did take the mic
 3 at some point, didn't you?
 4 **A. Yes.**
 5 **Q.** And you did discuss with Mr. Ray some of
 6 the issues that you were having; correct?
 7 **A. I discussed what that exercise looked**
 8 **like to me.**
 9 **Q.** And one of those issues was -- there is a
 10 tape-recording of the event. So I'm just going to
 11 ask you some questions. Did you discuss with
 12 Mr. Ray the fact that you were not surrounded with
 13 the people that you wanted to be surrounded with?
 14 **A. I said that I was surprised that the**
 15 **exercise had turned out with no people issues as**
 16 **important to me. Because at this point in my life,**
 17 **I'm surrounded by wonderful people and have great**
 18 **relationships.**
 19 **Q.** And you had a back and forth with Mr. Ray
 20 about whether you were as social as you want to be;
 21 correct?
 22 **A. I don't recall.**
 23 **Q.** Did you have a conversation with Mr. Ray
 24 about whether you should talk -- think about if you
 25 had written down I'm alone the way I am because?

1 Did you have a discussion with Mr. Ray about that?

2 **A. It wasn't a discussion. He told me I**
3 **should do that.**

4 **Q.** Okay. When he told you --

5 MS. POLK: I'm sorry. Your Honor, I'd like to
6 ask that the state be provided with a copy of the
7 document that Mr. Li is reading from.

8 MR. LI: I'm simply asking a question, Your
9 Honor. The witness can testify what she remembers.

10 THE COURT: You may continue, Mr. Li, at this
11 point.

12 MR. LI: Thank you, Your Honor.

13 **Q.** Now, you said you were -- I think -- what
14 was the term? "Instructed" to write about that?

15 **A. Yes.**

16 **Q.** Now, you could not write about it; right?

17 **A. True.**

18 **Q.** You could go back to your room and write
19 about whatever you wanted to write about?

20 **A. Yeah. This was one more thing to add to**
21 **the list of instructions.**

22 **Q.** Okay. But I guess this is just a fairly
23 simple yes or no question. You could go back to
24 your room and write about anything you wanted;
25 correct?

1 **A. I don't feel right answering that as a**
2 **yes or no question.**

3 **Q.** Was anybody in your room --

4 **A. I could have stood on my head in the**
5 **middle of the place. That wasn't why I was there.**

6 **Q.** Okay. That's a good point. And I'm not
7 trying to argue with you. You could stand on your
8 head if you wanted to; correct?

9 **A. Not if I were -- not if I were there to**
10 **have the event.**

11 **Q.** Okay. I'm going to take it -- let's just
12 talk about free will. Let's talk about what you
13 can and can't do as an adult. You can do whatever
14 you want, can't you?

15 **A. When I have my wits about me.**

16 **Q.** Okay. So when you are in a room where
17 somebody is saying, hey. Write about why you might
18 be alone -- let's take that example. Okay? You
19 can decide whether you want to write about that or
20 whether you don't want to write about that; isn't
21 that correct?

22 **A. Sure.**

23 **Q.** You could decide to get in your car and
24 leave; correct?

25 **A. I could.**

1 **Q.** You could call a cab, go to the airport,
2 fly from Phoenix back to Redwood City and leave;
3 right?

4 **A. Only if I were to override all the**
5 **reasons I was there.**

6 **Q.** Yeah. And those reasons why you were
7 there are reasons you came up with yourself;
8 correct?

9 **A. Yes.**

10 **Q.** Nobody told you, Ms. Gennari, that you
11 have to go to the James Ray seminar Spiritual
12 Warrior 2009, did they?

13 **A. True.**

14 **Q.** You made that decision almost a year
15 before; correct?

16 **A. Yes.**

17 **Q.** And you could have said, you know what.
18 This is really not what I want. And I'm going to
19 leave -- correct? -- at any time?

20 **A. To a greater or lesser degree.**

21 **Q.** On the first day when you arrived and
22 people said, hey. Here's an opportunity to get
23 your hair cut, you chose not to get your hair cut;
24 correct?

25 **A. True.**

1 **Q.** And the reason you chose not to get your
2 hair cut is because you had done it before. You'd
3 shaved your head twice, I believe?

4 **A. Yes.**

5 **Q.** You felt you're not going to get anything
6 out of that because you've already done it;
7 correct?

8 **A. True.**

9 **Q.** And when you talked to various people who
10 were suggesting to you, oh, but you're going to get
11 so much out of it, this is going to be the time
12 when you get something out of it -- you remember
13 testifying that people said that to you?

14 **A. Yes.**

15 **Q.** And you described that as, I think,
16 bullying?

17 **A. I don't think so.**

18 **Q.** Okay. Well, they were --

19 **A. Pressuring.**

20 **Q.** Pressuring. Thank you. That they were
21 pressuring you to cut your hair?

22 **A. Yes.**

23 **Q.** And they were telling you this is the
24 time you're going to get something out of it;
25 correct?

- 1 **A. Yes.**
 2 **Q.** But you knew for yourself that, no.
 3 That's not the case. I've already cut my hair.
 4 I've already shaved my hair twice. It's not going
 5 to make any difference to me so I'm not going to
 6 shave my hair; right?
 7 **A. Right. After having that conversation**
 8 **with myself for almost a year.**
 9 **Q.** I understand. But you had the
 10 conversation with yourself for almost a year;
 11 correct?
 12 **A. Yes.**
 13 **Q.** And nobody was telling you what to do in
 14 that conversation other than yourself, I take it.
 15 Correct?
 16 **A. Yes.**
 17 **Q.** And you made a decision to yourself, I
 18 don't need to cut my hair?
 19 **A. True.**
 20 **Q.** When all these people came up to you and
 21 said this is the time you're going to get something
 22 out of it, we're going to try to pressure you to do
 23 this, you made your own decision and said -- you
 24 know -- not for me; correct?
 25 **A. True.**

- 1 **Q.** That's because you know what you want
 2 better than all those people who are telling you to
 3 cut your hair; right?
 4 **A. Yes.**
 5 **Q.** You know whether you want to participate
 6 in -- let's take the Samurai Game for instance.
 7 Correct?
 8 **A. Uh-huh.**
 9 **Q.** I'm sorry. For the court reporter, it's
 10 got to be yes or no.
 11 **A. Well, it wasn't a question. But let's**
 12 **take the Samurai Game.**
 13 **Q.** Let's take the Samurai Game. You could
 14 choose whether you wanted to participate; correct?
 15 **A. That didn't feel as optional.**
 16 **Q.** Well, you could just leave; right?
 17 **A. I suppose.**
 18 **Q.** Well, you could, couldn't you? You could
 19 just get on your two feet and walk out the door?
 20 **A. Yes.**
 21 **Q.** And you could call a cab and go to the
 22 airport; correct?
 23 **A. Yeah.**
 24 **Q.** Now, talking about the Samurai Game. You
 25 actually thought the game was stupid actually?

- 1 **A. Yeah.**
 2 **Q.** Grown people running around pretending
 3 like they're Samurai?
 4 **A. Uh-huh.**
 5 **Q.** I'm sorry. For the record.
 6 **A. Yes.**
 7 **Q.** Silly; correct?
 8 **A. Fairly.**
 9 **Q.** Somebody dressing up in Halloween
 10 costumes and pretending to be the angel of death.
 11 That was silly also, wasn't it?
 12 **A. Yes.**
 13 **Q.** And the various competitions, the, quote,
 14 unquote, battles that people were having. Those
 15 were silly too, weren't they?
 16 **A. Yes.**
 17 **Q.** And you formed in your own mind, listen.
 18 This is really silly stuff; correct?
 19 **A. Yes.**
 20 **Q.** Nobody was able to control your mind and
 21 make you decide that this was actually a real
 22 Samurai and a real battle and a real angel of death
 23 and all of those things; correct?
 24 **A. True.**
 25 **Q.** Sorry?

- 1 **A. True.**
 2 **Q.** You were able to decide for yourself what
 3 you made out of this particular game?
 4 **A. Yes.**
 5 **Q.** Let's talk a little bit about meditation.
 6 You have done Holosync before? Is that the term?
 7 **A. Yes.**
 8 **Q.** Was there also a tape -- or sorry.
 9 Showing how old I am -- a CD of rain and bells and
 10 that sort of thing that you listened to?
 11 **A. That's what it was.**
 12 **Q.** Okay. So it's sort of -- you put on
 13 these earphones and you lie on a mat, I take it?
 14 **A. No. We were usually sitting in chairs.**
 15 **Q.** So you're sitting in a chair. Relatively
 16 comfortable chair?
 17 **A. No.**
 18 **Q.** Really uncomfortable chair?
 19 **A. Medium.**
 20 **Q.** So a chair, a medium comfortable chair?
 21 **A. A chair.**
 22 **Q.** And you sit down and you have some
 23 earphones on, and you're listening to -- not music.
 24 You're listening to rain and chimes; correct?
 25 **A. Yes.**

- 1 Q. And you spent some time trying to do
2 whatever it is you do when you meditate; correct?
3 A. Yes.
4 Q. And you've done that before?
5 A. Yes.
6 Q. Okay. And you did it -- usually do it
7 for about an hour?
8 A. Yes.
9 Q. This time you did it maybe two sessions
10 in a row, so that's two hours?
11 A. Yes.
12 Q. And in the process of sitting there in a
13 chair, medium-comfort chair, with earphones on,
14 listening to rain drops and chimes, you felt, I
15 think in your words, a little spacey; correct?
16 A. Yes.
17 Q. Like, though you don't do drugs, as if
18 you were on drugs or something like that?
19 A. Yes.
20 Q. But let's just make it clear. There are
21 no drugs; correct?
22 A. True.
23 Q. Nobody is taking drugs at the Spiritual
24 Warrior?
25 A. No.

- 1 Q. In fact, that's explicitly so that nobody
2 is supposed to take drugs at Spiritual Warrior?
3 A. I don't know if it's explicit.
4 Q. But nobody --
5 A. I wasn't.
6 Q. You knew of nobody else?
7 A. No.
8 Q. Alcohol. You didn't abuse alcohol or
9 drink alcohol at this event, did you?
10 A. No.
11 Q. And it was not about drinking alcohol at
12 this particular event, was it?
13 A. We weren't there to drink. No.
14 Q. Right. I'm just asking the question.
15 You weren't there to drink alcohol, were you?
16 A. No.
17 Q. Now, you had testified on direct that
18 part of the things that you were going to talk
19 about -- or sorry. Journal about, one of the
20 things was sex?
21 A. True.
22 Q. And that was one of the discussion topics
23 that the Dream Team and Mr. Ray and James Ray
24 International suggested would open up all sorts of
25 issues and ability to reach into your subconscious,

- 1 those types of thing; correct?
2 A. Yes.
3 Q. There were a lot of other topics, weren't
4 there?
5 A. Yes.
6 Q. Just so we're clear, because sex can be a
7 controversial topic, people weren't -- the purpose
8 of Spiritual Warrior was not for people to go and
9 have sex, was it?
10 A. Not that I know of.
11 Q. Not that any of us know of. It was to
12 talk about these issues; correct?
13 A. Yes.
14 Q. To explore things in your past; correct?
15 A. Yes.
16 Q. Other things might be painful emotions;
17 correct?
18 A. Yes.
19 Q. Other topics might have included what
20 fears had been programmed into you; correct?
21 A. True.
22 Q. Other topics might have included what
23 life promises were made to you; correct?
24 A. I'm not sure what that means.
25 Q. Loss of loved ones. Would that be a

- 1 topic you might have been asked to write about as
2 well?
3 A. Possibly.
4 Q. Things that you might be ashamed of. Is
5 that a topic you might have been asked to write
6 about as well?
7 A. I don't recall.
8 Q. But those sorts of topic sound familiar,
9 do they?
10 A. Vaguely.
11 Q. Okay. But are they consistent with the
12 general idea that you're supposed to journal about
13 things in the past that might be holding you back?
14 A. Yes.
15 Q. That might be painful?
16 A. Yes.
17 Q. That if you can get rid of, perhaps you
18 can move on?
19 A. Yes.
20 Q. Now, Laura Tucker. She's a friend of
21 yours; correct?
22 A. Yes.
23 Q. She lives up in Canada, does she?
24 A. Yes.
25 Q. I think she works for automotive -- she's

1 an automotive consultant or something like that?

2 **A. Something like that.**

3 **Q.** It's a serious job; right?

4 **A. Yes.**

5 **Q.** And she's a solid person, isn't she?

6 **A. Yeah.**

7 **Q.** And she's no nonsense?

8 **A. Yeah.**

9 **Q.** And calls it how she sees it?

10 **A. Usually.**

11 **Q.** And she's an honest, decent person.

12 **A. Yes.**

13 **Q.** Quickly, I want to talk to you a little
14 bit about the Vision Quest. Now, again, you chose
15 to go on the Vision Quest; right?

16 **A. It's part of the event.**

17 **Q.** But it was your free will as an adult.

18 As a professional person with a college degree and
19 all sorts of life experience, you chose to go and
20 participate in the Vision Quest; correct?

21 **A. Yeah.**

22 **Q.** Actually, you thought it would be very
23 hard?

24 **A. Yeah.**

25 **Q.** And it turned out not to be so hard?

1 **A. Turned out to be hard. It turned out to**
2 **be not as hard as I expected.**

3 **Q.** Did you think that when the people came
4 to get you, did you -- were you almost
5 disappointed?

6 **A. No.**

7 **Q.** Did you think to yourself that, oh, I
8 could have used another day it was so nice out
9 here?

10 **A. With breakfast I could have used another**
11 **day. It was nice out there.**

12 **Q.** Let me just ask the real straightforward
13 question. Did you think you could have used
14 another day, it was so nice out here.

15 **A. Yes.**

16 **Q.** Did you think that you didn't even care
17 at that point about food and water?

18 **A. Not by morning.**

19 **Q.** When the people came out and got you --
20 I'm just going to make it real clear. Okay?

21 **A. Yes.**

22 **Q.** So when the people came out and got you
23 the next morning, did you think that at that point
24 you didn't even care about food and water?

25 **A. By that morning I had worked through all**

1 **of the discomfort of being without food and water.**

2 **So yes.**

3 **Q.** All right. Thank you. Let's replay this
4 a little. You go out. It's in the evening and you
5 go out. And I guess you make your medicine wheel.
6 Nobody is forcing you to make the medicine wheel,
7 are you?

8 **A. It was our instructions.**

9 **Q.** But nobody is forcing you to make the
10 medicine wheel, are they?

11 **A. Did somebody moved my hands? No.**

12 **Q.** That's what I'm asking you. Nobody is
13 forcing you?

14 **A. No.**

15 **Q.** You're doing it on your own. Through
16 your own volition, you're making your medicine
17 wheel; correct?

18 **A. Yes.**

19 **Q.** And then you walk into the medicine wheel
20 with your own volition; correct?

21 **A. Yes.**

22 **Q.** No person is shoving you in there?

23 **A. No.**

24 **Q.** And then you lay out your sleeping bag;
25 correct?

1 **A. Yes.**

2 **Q.** And you sit down; correct?

3 **A. Yes.**

4 **Q.** And then you start writing and
5 journaling; correct?

6 **A. When I first got there, I went to sleep.**

7 **Q.** The first thing you did is you went to
8 sleep; right?

9 **A. Yes.**

10 **Q.** You decided to go to sleep on your own --
11 with your -- you know, because you wanted to go to
12 sleep; right?

13 **A. Because it was the middle of the night.**
14 **Yeah.**

15 **Q.** And --

16 **A. I couldn't see. I couldn't have written**
17 **if I wanted to.**

18 **Q.** Okay. All right. So you decided to go
19 to sleep?

20 **A. Yes.**

21 **Q.** And while you're out there sleeping, at
22 some point you wake up, maybe when the sun rises or
23 something like that?

24 **A. Yes.**

25 **Q.** So now it's the next morning. The sun

1 has risen. You're in your sleeping bag. You wake
 2 up; right?
 3 **A. Yes.**
 4 **Q.** The birds are chirping?
 5 **A. Yes.**
 6 **Q.** It's beautiful Sedona landscape around
 7 you?
 8 **A. Uh-huh. Yes.**
 9 **Q.** Pretty inspiring to see Sedona at dawn,
 10 isn't it?
 11 **A. If you like dawn.**
 12 **Q.** It's beautiful, though, isn't it?
 13 **A. Yes.**
 14 **Q.** And at that point maybe you feel hungry?
 15 **A. Yes.**
 16 **Q.** And at that point maybe you feel thirsty?
 17 **A. Yes.**
 18 **Q.** So then what you do during the day is you
 19 sit there by yourself; correct?
 20 **A. Yes.**
 21 **Q.** With nobody but the birds and the
 22 landscape around you; correct?
 23 **A. True.**
 24 **Q.** And you start writing about whatever you
 25 want to write about; correct?

1 **A. Yes.**
 2 **Q.** And because you are of a fairly poetic
 3 mind, I believe, you write a lot?
 4 **A. Yes.**
 5 **Q.** And your mind takes you wherever you want
 6 to go?
 7 **A. Right.**
 8 **Q.** And nobody is telling you what to write,
 9 are they?
 10 **A. No. We had one assignment, but the rest**
 11 **of it was free form for that period.**
 12 **Q.** Right. Even the assignment -- you
 13 know -- when you went to college in the English
 14 class and the professor tells you write about
 15 Shakespeare or something like that. Okay you got
 16 the assignment. But what you write is all your own
 17 sort of work, isn't it?
 18 **A. Yeah.**
 19 **Q.** That's all I'm -- now, as you sit there
 20 journaling and writing all day, enjoying the view
 21 and the birds and what have you, at some point the
 22 hunger and the thirst fade; correct?
 23 **A. They came in and out during the day.**
 24 **Q.** They come and go; right?
 25 **A. Yes.**

1 **Q.** Then as you do this all day, it
 2 eventually it becomes -- you know -- evening and
 3 gets dark?
 4 **A. Yes.**
 5 **Q.** And then it's time to go to sleep again;
 6 right?
 7 **A. Yes.**
 8 **Q.** Because it's dark now?
 9 **A. Yes.**
 10 **Q.** So it gets dark at about 7:00 or
 11 8:00 o'clock at that time of year give or take;
 12 right?
 13 **A. I don't know. I guess.**
 14 **Q.** I believe when we were talking about when
 15 the helicopters came and all of those sorts of
 16 things, you told Ms. Polk that it was dark or dusk?
 17 **A. Yes. But I don't know what.**
 18 **Q.** That's fair. Fair enough. So then it
 19 gets dark. You get in your sleeping bag again;
 20 correct?
 21 **A. Yes.**
 22 **Q.** You go to sleep?
 23 **A. Yeah.**
 24 **Q.** And by the next morning, after being out
 25 in the desert for about 36 hours and fasting, and

1 journaling, the next morning you were almost
 2 disappointed when they came and got you; right?
 3 **A. Yeah. By the next morning.**
 4 **Q.** And you thought to yourself, you could
 5 have used another day it was so nice out here?
 6 **A. Yeah.**
 7 **Q.** And you didn't even care at that point
 8 about food and water?
 9 **A. Not at that point.**
 10 **Q.** And you were really enjoying your time
 11 and watching birds and writing in your journal and
 12 just getting into it; right?
 13 **A. Yeah.**
 14 **Q.** All of that was a little bit about facing
 15 one of the more difficult things that you thought
 16 you would have to face in this particular seminar;
 17 correct?
 18 Let me rephrase that. In the beginning
 19 you thought that this would be the hard event for
 20 you?
 21 **A. Yes.**
 22 **Q.** And it turns out that you overcame that;
 23 correct?
 24 **A. Yes.**
 25 **Q.** And it turns out that you actually really

1 loved that particular event?

2 **A. Yes.**

3 THE COURT: Mr. Li, it's been about 90
4 minutes. We are going to need to recess.

5 MR. LI: Thank you, Your Honor.

6 THE COURT: Ladies and gentlemen, we will take
7 the weekend recess at this time. Remember all
8 aspects of the admonition. It's quite a break.
9 Several days. Avoid all media exposure. Don't
10 discuss the case even among yourselves at any time.
11 Don't let anybody talk to you about it in any
12 fashion. Remember all aspects of the admonition.

13 And we will resume next Tuesday. I'll
14 ask you to be in the jury room at 9:15.

15 Ms. Gennari, I was going to talk to you a
16 little bit more about the rule of exclusion of
17 witnesses. Make sure you understand all aspects of
18 that.

19 I'm asking people not to communicate with
20 other friends who may relay to other witnesses too
21 because I know there are friends. I don't know
22 specifically who the friends might be. But the
23 important part of the rule is to avoid any kind of
24 relaying of testimony or communication about the
25 case with other witnesses while the case is still

258

1 going on. And also avoid any type of media
2 exposure as well. Do you understand all that?

3 THE WITNESS: Yes.

4 THE COURT: Again, you can talk to the
5 lawyers. You can do that as long as other
6 witnesses are not present.

7 We will take the evening recess.

8 I'm going to ask the parties to remain
9 and I'll stand as the jury exits.

10 And, Ms. Gennari, you are excused also.

11 (Proceedings continued outside presence
12 of jury.)

13 THE COURT: Thank you. Please be seated. We
14 had discussed some additional time to hear
15 arguments regarding Mr. Pace and issues that relate
16 to his anticipated testimony.

17 Counsel, are you looking at Tuesday
18 morning, then, for that, Mr. Hughes?

19 MR. HUGHES: That's fine, Your Honor.

20 MR. LI: Your Honor, that's fine.

21 THE COURT: I would suggest 8:15 on Tuesday
22 for purposes of that argument.

23 Counsel, is there anything else you want
24 to discuss before recess, Mr. Kelly?

25 MR. KELLY: Judge, there is. It's a simple

1 question with regard to scheduling.

2 I believe Ms. Gennari is about our ninth
3 or tenth witness. I know that the state had
4 provided a trial witness list somewhere in the 70s.
5 I also know that you've set aside a specific number
6 of days of trial and it ends June 10th. I have
7 other cases. Every Monday judges ask me my
8 availability. So I don't know if this is an
9 appropriate time to discuss it, but maybe it's a
10 realistic time to begin thinking about whether this
11 case is going to be over by June 10th is my
12 question.

13 THE COURT: I would think it would be.

14 Ms. Polk or Mr. Hughes?

15 MS. POLK: Your Honor, I think it will be.

16 MR. KELLY: Necessarily, then, I guess we can
17 assume the witness list for the state will be
18 trimmed down?

19 THE COURT: I don't know. I would think that
20 as the trial progresses, the testimony of witnesses
21 will not be the same length as there are many areas
22 that have been covered by other witnesses. That's
23 often the way trials progress.

24 Counsel?

25 MS. POLK: I agree, Your Honor.

260

1 MR. KELLY: Yeah. I hope so, Judge. And I
2 point out, just as I sat through this witness's
3 testimony, I don't think there is any dispute in
4 this case that Mr. Ray threw the bucket of water
5 that was about five gallons -- it was white -- on
6 the hot rocks and he sat next to the flap,
7 et cetera.

8 And yet there is, in my opinion,
9 cumulative aspect to that type of testimony. And,
10 importantly, it drags this case on through many
11 undisputed facts. So I'd make that comment before
12 next week.

13 THE COURT: All right.

14 Anything else?

15 MS. POLK: No, Your Honor.

16 THE COURT: I guess not. Then Court's in
17 recess. Thank you.

18 MR. LI: Thank you, Your Honor. Have a good
19 weekend.

20 (The proceedings concluded.)

21
22
23
24
25

1 STATE OF ARIZONA }
2 COUNTY OF YAVAPAI } ss: REPORTER'S CERTIFICATE
3

4 I, Mina G Hunt, do hereby certify that I
5 am a Certified Reporter within the State of Arizona
6 and Certified Shorthand Reporter in California
7

8 I further certify that these proceedings
9 were taken in shorthand by me at the time and place
10 herein set forth, and were thereafter reduced to
11 typewritten form, and that the foregoing
12 constitutes a true and correct transcript

13 I further certify that I am not related
14 to, employed by, nor of counsel for any of the
15 parties or attorneys herein, nor otherwise
16 interested in the result of the within action.

17 In witness whereof, I have affixed my
18 signature this 29th day of March, 2011.
19
20
21
22

23 -----
24 MINA G HUNT, AZ CR No. 50619
25 CA CSR No 8335

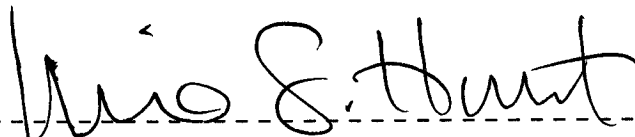
1 STATE OF ARIZONA)
2) ss: REPORTER'S CERTIFICATE
3 COUNTY OF YAVAPAI)

4 I, Mina G. Hunt, do hereby certify that I
5 am a Certified Reporter within the State of Arizona
6 and Certified Shorthand Reporter in California.

7 I further certify that these proceedings
8 were taken in shorthand by me at the time and place
9 herein set forth, and were thereafter reduced to
10 typewritten form, and that the foregoing
11 constitutes a true and correct transcript.

12 I further certify that I am not related
13 to, employed by, nor of counsel for any of the
14 parties or attorneys herein, nor otherwise
15 interested in the result of the within action.

16 In witness whereof, I have affixed my
17 signature this 29th day of March, 2011.

18
19
20
21
22 

23 -----
24 MINA G. HUNT, AZ CR No. 50619
25 CA CSR No. 8335